

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
GO GLOBAL RETAIL, LLC,

Plaintiff,

-against-

Index No.1:23-cv-07987

DREAM ON ME, INC. and DREAM ON ME INDUSTRIES,

Defendants.

- - - - - X

October 2, 2024
10:00 a.m.

DEPOSITION of AVISH

DAHIYA, a witness for the Defendant herein,
taken by the attorney for the Plaintiff,
pursuant to Rule 30(b)(6) of the Federal Rules
of Civil Procedure, held via web conference,
on the above date and time, before Jennie
Kilgallen, a Stenotype Reporter and Notary
Public within and for the State of New York.

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2 A P P E A R A N C E S:

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4 FALCON, RAPPAPORT & BERKMAN, PLLC
Attorneys for the Plaintiff
5 265 Sunrise Highway - Suite 50
Rockville Centre, New York 11570

6

7 BY: STEVEN BERLOWITZ, ESQ.
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8

9 GREENBAUM, ROWE, SMITH & DAVIS, LLP
Attorneys for the Defendant
10 75 Livingston Avenue
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11

12 BY: THOMAS MURPHY, ESQ.
tmurphy@greenbaumlaw.com

13

14 ALSO PRESENT:

15 JESSICA MOORE, ESQ.
Falcon, Rappaport & Berkman, PLLC

16

17 CHRISTIAN FEUER

18 MOISHE PELTZ

19 MARK SROUR

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FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by
and between the parties hereto, through their
respective Counsel, that the certification,
sealing and filing of the within examination
will be and the same hereby waived;

IT IS FURTHER STIPULATED AND AGREED that
all objections, except as to the form of the
question, will be reserved to the time of the
trial;

IT IS FURTHER STIPULATED AND AGREED that
the within examination may be signed before
any Notary Public with the same force and
effect as if signed and sworn before the
Court.

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THE COURT REPORTER: It is hereby stipulated and agreed to by and between counsel for all parties present that this deposition is being conducted remotely by video conference, and that the court reporter, witness and all counsel are in separate remote locations and participating via Zoom or any web conference meeting platform under the control of the court reporting agency.

It is further stipulated that this video conference will not be recorded in any manner and that any recording without the express written consent of all parties shall be considered unauthorized, in violation of law and shall not be used for any purpose in this litigation or otherwise.

Before I swear in the witness, I will ask each counsel to stipulate on the record that I, the court reporter, may swear in the witness even though I am not physically in the presence of the witness and that there is no objection

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to that at this time nor will there be
any objection at a future date.

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All attorneys state they have no
objection or so stipulated?

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MR. BERLOWITZ: I consent.

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MR. MURPHY: I consent as well for
defendants.

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THE COURT REPORTER: Counsel, can
you represent to the best of your
knowledge and belief, that the witness
appearing today via web conference is,
in fact, Avish Dahiya?

14

MR. MURPHY: Yes.

15

16

(Whereupon, the Witness presented a
NJ State driver's license.)

17

A V I S H D A H I Y A,

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The witness herein, having been first duly
sworn remotely by a Notary Public of the State of
New York, was examined and testified as follows:

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THE COURT REPORTER: May we have
your name for the record?

23

THE COURT: Dahiya Avish.

24

25

THE COURT REPORTER: And your
address, sir.

1 A. Dahiya

2 THE WITNESS: 5 Watchung Drive.

3 Basking Ridge, New Jersey.

4 EXAMINATION BY

5 STEVEN BERLOWITZ, ESQ.:

6 Q. Thank you. Good morning

7 Mr. Dahiya. My name is Steven Berlowitz with

8 the law firm of Falcon, Rappaport & Berkman.

9 I represent the plaintiff, Go Global Retail,

10 LLC in the matter of Go Global versus Dream

11 On Me Industries and Dream On Me, Inc.

12 Have you ever been deposed before?

13 A. No.

14 Q. I'm going to go over a few ground

15 rules to help streamline the process.

16 This deposition is being

17 stenographically recorded. I would like you

18 to please answer all my questions verbally

19 and not with physical movements like a shrug

20 or a nod of the head because the court

21 reporter can't take down those movements.

22 She can only take down your verbal responses.

23 Do you understand that?

24 A. Yes.

25 Q. Please wait until I've completed my

1 A. Dahiya
2 question before you respond. The court
3 reporter can't take both of our responses at
4 the same time. It's crosstalk. So I ask
5 that you please wait for me to finish my
6 question. Do you understand that?

7 A. Yes.

8 Q. If you need to have a question
9 repeated, please let me know and the court
10 reporter can read it back to you or if you
11 don't understand the question, I am happy to
12 rephrase. Do you understand that?

13 A. Yes.

14 Q. Please let me know if at anytime
15 you need a break for the bathroom, water, any
16 reason I'm happy to give it to you.

17 Please note though you cannot take a
18 break if there's a question pending. I will
19 ask that you respond to the question before
20 we break. Do you understand that?

21 A. Yes.

22 Q. Do you understand that you are
23 testifying under oath under penalty of
24 perjury in this proceeding?

25 A. Yes.

1 A. Dahiya

2 Q. Have you ever been a plaintiff or a
3 defendant in a lawsuit?

4 A. Are you asking me personally?

5 Q. Yes.

6 A. Yes.

7 Q. Were you a plaintiff?

8 A. Yes.

9 Q. And what lawsuit was that?

10 A. That was with my previous company
11 that I worked with.

12 Q. And what was the nature of that
13 lawsuit?

14 A. It was regarding certain payments
15 that they were supposed to give back to me.

16 Q. I see. So you brought a lawsuit
17 against your former company, your former
18 employer?

19 A. Yes.

20 Q. You weren't deposed in that matter?

21 A. No.

22 Q. Was there a trial in that matter?

23 A. No.

24 Q. Were you ever a defendant in a
25 lawsuit?

1 A. Dahiya

2 A. No.

3 Q. Any other lawsuits other than the
4 one you just mentioned?

5 A. No.

6 Q. Have you ever been a witness in a
7 lawsuit?

8 A. No.

9 Q. Have you ever been arrested or
10 convicted of a crime?

11 A. No.

12 Q. Are you taking any medication or
13 have any other medical conditions that may
14 affect your memory?

15 A. No.

16 Q. Same question, but for your ability
17 to testify truthfully today.

18 A. Yes.

19 Q. Sorry, you are taking medication?

20 MR. MURPHY: He misunderstood the
21 question.

22 MR. BERLOWITZ: That's why I'm
23 clarifying.

24 Q. I want to clarify, are you taking
25 medication that would impact your ability to

1 A. Dahiya

2 testify truthfully today?

3 A. No.

4 Q. I'm going to be showing you
5 documents on a screen throughout this
6 deposition. I hope your screen is big
7 enough. I want to make sure that you're
8 capable of reading the documents I show you.

9 A. Yes, I've got a second screen so
10 yes.

11 Q. And you don't have any eyesight
12 issues, is that right?

13 A. Yes, age-related, small letters,
14 but yeah, I'm sure I can read these.

15 Q. Perfect. I just want to note
16 initially we had called for your deposition
17 in your individual capacity. We are, I've
18 been referred to you as of yesterday through
19 Mr. Srour, I'm hope I'm pronouncing this
20 correctly, that you would know a number of
21 answers to questions that I had asked him.

22 I'm going to go over this with you. I
23 want to be clear, are you aware that you are,
24 in addition to testifying in your individual
25 capacity, that you are also testifying on

1 A. Dahiya

2 behalf of Dream On Me Industries and Dream On
3 Me, Inc.?

4 A. Yes.

5 Q. And are you prepared to answer
6 questions on behalf of those companies?

7 A. Yes, to the best of my ability,
8 yeah.

9 Q. Of course. Can you please describe
10 your education?

11 A. Yeah, I studied engineering and
12 then I also did a decision-making course at
13 Stanford which is an advanced certification
14 program.

15 Q. Let's back up. You went to college
16 at Stanford?

17 A. Yes.

18 Q. And you got an engineering degree?

19 A. Yes, it was advanced certification
20 and strategic decision-making.

21 Q. You received a degree in advanced
22 strategic --

23 A. Yes, a certification, correct.

24 Q. Did you also receive a degree in
25 engineering?

1 A. Dahiya

2 A. Yes.

3 Q. Have you received any other
4 degrees?

5 A. No.

6 Q. Is the degree in strategic
7 decision-making, is that a certificate?

8 A. It's a certificate.

9 Q. Did you attend graduate school?

10 A. Yes.

11 Q. Which school?

12 A. It's in India, BMS Engineering
13 College.

14 Q. And what was your area of focus in
15 graduate school?

16 A. Information science and tech.

17 Q. Did you graduate?

18 A. Yes.

19 Q. And what degree did you earn?

20 A. Information science and tech.

21 Q. What did you do after graduation
22 from your graduate program?

23 A. I just became an entrepreneur.

24 Q. Do you have any professional
25 certificates or licenses or credentials? I

1 A. Dahiya

2 believe you mentioned one. I'm asking if you
3 have any others.

4 A. No, I may have done certifications
5 in advertising, I think Amazon advertising,
6 something else as needed kind of.

7 I don't remember, but I may have done
8 Google. I may have done Facebook. Very hard
9 to say, but yeah some of those, yes.

10 Q. Have you ever been subjected to any
11 disciplinary action or censure by a licensing
12 body?

13 A. No.

14 Q. Can you please describe your work
15 experience?

16 A. With the baby, I have been 16, 17
17 years in the baby industry. Before that, I
18 did management consulting. So I worked with
19 many startups in the baby area. I did work
20 with some of the large corporations through
21 that management consulting and before that
22 was a stint on the media side, media and
23 entertainment side. I would say 30 years or
24 something.

25 Q. Can you please walk me through each

1 A. Dahiya
2 of the companies that you worked for and tell
3 me what you did there, generally?

4 A. Yeah. Yeah. So baby was all
5 about -- I did many things, multiple hats,
6 but I would say more about strategic work.
7 That means partnerships, growth-related, some
8 E-commerce-related, some tech-related, mixed
9 bag in that.

10 In the management consulting it was more
11 to do with strategy partnership, off-shoring
12 partnerships, partnership with India trying
13 to disrupt some of the models that were there
14 for startups to get the products live sooner
15 than later at a more optimum cost so those
16 were some of the works that I've done.

17 What I've done with media, which was
18 animation and visual effects, general
19 management, you know, yeah.

20 Q. You really had a broad career to
21 date, yeah?

22 A. Yes, you can say I invented myself
23 many times.

24 Q. Can you walk me through the names
25 of the companies that you worked for briefly

1 A. Dahiya

2 in chronological order?

3 A. So if I remember, so now is Dream
4 On Me Industries, right. Before that was
5 Heritage, Baby, before that was Munire,
6 M-U-N-I-R-E or A Furniture, B and A Global,
7 and then Cedar Blue Global, digital media.

8 Q. Any others?

9 A. No.

10 Q. You currently work for Dream On Me
11 Industries and/or Dream On Me, Inc., is that
12 correct?

13 A. Yes.

14 Q. Who do you work for?

15 A. Dream On Me Industries, yes.

16 Q. Are you also employed by Dream On
17 Me, Inc.?

18 A. No.

19 Q. Just Dream On Me Industries?

20 A. Yes.

21 Q. What position do you hold with
22 Dream On Me Industries?

23 A. My title doesn't say anything in
24 the Dream On Me universe. So we -- meaning I
25 have helped operating like an adviser. I

1 A. Dahiya
2 have done strategy, insights into our
3 customers, strategy partnership with our
4 customers, a lot of E-commerce, a lot of
5 marketing site-work. Pretty much wherever
6 the company needed me to jump in or where I
7 felt I could contribute, I did that. And
8 whatever Mark needed me to focus on, that's
9 what I did.

10 Q. When did you start working -- when
11 I say Dream On Me or DOM I'm referring to
12 Dream On Me Industries.

13 A. Yes.

14 Q. When did you start working for
15 Dream On Me?

16 A. Approximately ten years back.

17 Q. When you started there, what were
18 your responsibilities?

19 A. When I started, some E-commerce,
20 marketing, helping the company grow, you
21 know, find out venues for new customers,
22 yeah, store business, you know.

23 We had stated sites of our customers
24 business. For example, Walmart, if you were
25 in the E-commerce, how do we get into the

1 A. Dahiya

2 Walmart store, for example.

3 MR. MURPHY: You can keep your
4 voice up.

5 THE WITNESS: Yes.

6 Q. Have your responsibilities changed
7 since you started working at Dream On Me?

8 A. I wouldn't say changed. I would
9 say it's added right, nothing got dropped,
10 but things kept on adding. Suddenly, okay,
11 you have to do a joint venture or you have to
12 do some looking into -- some company comes
13 in, look into it.

14 It's a very entrepreneurial type of
15 work. And in our DOM universe, titles don't
16 tell the story, no.

17 Q. Is it safe to say you wear a lot of
18 hats at Dream On Me?

19 A. Yes, a lot of hats, yes.

20 Q. Who do you report to at Dream On
21 Me?

22 A. I report to Mark.

23 Q. Anybody else?

24 A. I also report to his brother Joey.
25 I would say 90 percent, depending on the

1 A. Dahiya

2 project, some projects could be that I'm
3 reporting to Joey more or updating him versus
4 Mark but, yeah mostly Mark.

5 Q. Is Joey's name Joey Srour?

6 A. Yes.

7 Q. Do you know whether he has an
8 ownership interest in Dream On Me?

9 A. I believe so, he has an ownership
10 on both partners in Dream On Me, Industries.

11 Q. And Joey works for Dream On Me, is
12 that right?

13 A. Yes, he owns Dream On Me, yeah.

14 Q. He also works at Dream On Me?

15 A. Got it.

16 Q. Does he?

17 A. Yes.

18 Q. Do you know what he does?

19 A. Yeah, he does day-to-day ops,
20 warehousing, supply chain, manufacturing.
21 Those are some of the areas that are
22 dedicated to him.

23 Q. I will get to this much later, but
24 I will skip ahead real quick, do you know
25 whether Joey was involved in Dream On Me's

1 A. Dahiya

2 bid for BBY's assets?

3 A. No, he is not involved.

4 Q. I believe you said you've been at
5 Dream On Me for ten years?

6 A. Yes.

7 Q. And during that time I believe you
8 testified that your responsibilities only
9 grew over time, is that right?

10 A. Yes.

11 Q. Have you ever been disciplined,
12 counseled or suspended with regard to your
13 job at Dream On Me?

14 A. No.

15 Q. I'm going to share a document with
16 you now.

17 (Whereupon, at this time, an
18 exhibit was displayed via Zoom.)

19 Q. Can you see that I'm sharing a
20 document with you?

21 A. Correct.

22 MR. BERLOWITZ: I will represent
23 this is the 30(b)(6) notice that we sent
24 out to counsel for Dream On Me.

25 (Whereupon, at this time, a

1 A. Dahiya

2 document was marked as Plaintiff's
3 Exhibit 1, as of this date.)

4 Q. Do you recognize this document?

5 A. Yes, I took a printout of this.

6 Q. So you've reviewed it before?

7 A. Yes.

8 Q. I just want to go over a few of the
9 topics and make sure you're prepared to
10 testify about them?

11 A. Yeah.

12 Q. So I will scroll down to the
13 topics. Topic number four, please read topic
14 number four.

15 (Whereupon, at this time, there was
16 a pause in the proceeding.)

17 A. Okay.

18 Q. Are you able to testify about
19 documents in the data room including, but not
20 limited to, reviewing documents, downloading
21 documents, analyzing documents, manipulating
22 documents and sharing documents?

23 A. Yes.

24 Q. Topic number five, are you able to
25 testify about the location or storage of data

1 A. Dahiya

2 room documents Dream On Me, Inc. downloaded
3 from the data room?

4 A. Yes.

5 Q. Topic number six, are you able to
6 testify about Dream On Me, Inc.'s security
7 protocols for storing confidential or trade
8 secret information, data retention policies,
9 email retention policies and messaging
10 retention policies?

11 A. To some extent, to the best of my
12 knowledge, yes.

13 Q. Topic number seven, are you able to
14 testify about any research analysis,
15 fact-finding studies, investigation,
16 performed by Dream On Me, Inc. concerning the
17 BBY or Bed, Bath & Beyond Inc.?

18 A. Okay, yes.

19 Q. Yes?

20 A. Yes.

21 Q. Topic number 12, are you able to
22 testify about the development of any bid by
23 Dream On Me, Inc. for Baby IP assets,
24 including but not limited to, documents used
25 to support the bid or identity of individuals

1 A. Dahiya

2 who assisted in developing a bid?

3 A. Yeah to some extent, yes.

4 Q. Topic number 13, are you able to
5 testify about the development of any bid by
6 Dream On Me, Inc. for BBY retail store
7 leases included but not limited to documents
8 used to support the bid or the identity of
9 individuals who assisted in developing the
10 bid?

11 A. Yes.

12 Q. And topic number 14, are you able
13 to testify about the post-acquisition
14 technology support for BBY's retail and
15 E-commerce business?

16 A. To some extent, but I feel this is
17 something that Amit would be able to -- I
18 don't know if you have a deposition with him,
19 but he would be the right guy to talk to
20 about it. Whatever extent I know, a little
21 bit, no problem, I can share that.

22 Q. I might ask you some questions and
23 you can answer to the best of your ability.
24 I understand that. I can ask Amit and that's
25 fine, but thank you for sharing that.

1 A. Dahiya

2 Did you do anything to prepare for this
3 deposition today?

4 A. I spoke to the lawyer and he
5 updated me what --

6 MR. MURPHY: Avish, don't say what
7 we spoke about.

8 A. Yes, I'm just -- he gave us the
9 document that we are reviewing and said what
10 the questions and the areas of discussion
11 would be.

12 MR. MURPHY: You're going down --
13 tell him that we spoke and you can tell
14 him what else you did, but just don't
15 say the things that you and I said to
16 each other.

17 THE WITNESS: Yes.

18 Q. To reiterate, I'm not trying to
19 learn about the statements that were made
20 between you and your attorneys. I just want
21 to know if you worked with them to prepare
22 for this deposition; yes or no?

23 A. Yes.

24 Q. Did you meet with anyone else to
25 prepare for this deposition?

1 A. Dahiya

2 A. No.

3 Q. You didn't meet with Mark?

4 A. No, we couldn't -- he was busy
5 yesterday, we couldn't talk.

6 Q. Did you review any documents to
7 prepare for this deposition?

8 A. I would say as we were trying to
9 share the data with you guys, that's when I
10 may have looked at some of the data, but I'm
11 not specifically looking at any data
12 regarding this, yeah.

13 Q. When you say share the data with
14 you guys, are you referring to reviewing
15 documents that were then produced in this
16 action by Dream On Me?

17 A. Yes, some of the data, yeah, making
18 sure you have what you needed.

19 Q. So were you involved in the
20 document collection in relation to this
21 action?

22 A. Partly, yes.

23 Q. Do you know who else was involved
24 in that?

25 A. Steve.

1 A. Dahiya

2 Q. Who is Steve?

3 A. Steve is our IT guy. He's the IT
4 director in Dream On Me.

5 Q. What is his last name?

6 A. Good question. Steven --

7 Q. If you don't remember or if you
8 need --

9 A. Let me just check.

10 (Whereupon, at this time, there was
11 a pause in the proceeding.)

12 MR. MURPHY: What are you --

13 MR. BERLOWITZ: It's okay if he
14 looks it up. I'm fine.

15 A. Steven Kachtan. K-A-C-H-T-A-N.

16 Q. Was there anyone else at Dream On
17 Me that you worked with in terms of
18 collecting documents in relation to this
19 action?

20 A. It was whoever was working on it, I
21 communicated to them that if they have
22 anything to share and Steve would put all the
23 data in for sharing.

24 Q. You said whoever else was working
25 on it, so who would those people be?

1 A. Dahiya

2 A. Mark, myself, Amit, Milan.

3 Q. And anyone else?

4 A. No.

5 Q. I believe you testified that you
6 did not review documents in preparation for
7 this deposition, is that right?

8 A. Yes.

9 Q. Did you take any notes in
10 preparation for this deposition?

11 A. Yeah, I did. I was looking at some
12 of the timelines and I did make some notes.

13 Q. Do you have those notes in front of
14 you?

15 A. Yeah, I do.

16 MR. BERLOWITZ: I will call for the
17 production of those notes.

18 Q. Did you bring any other notes or
19 documents with you today?

20 A. No, except for the printout.

21 Q. The printout, are you referring to
22 the 30(b)(6) notice?

23 A. Yes.

24 Q. Are there any documents related to
25 this litigation in your possession that you

1 A. Dahiya

2 have not produced other than the notes that
3 we just discussed?

4 A. I don't know. I shared everything
5 with our legal so I don't know what you guys
6 have. I have no visibility on that, but they
7 have what we have shared.

8 Q. Have you taken any other steps to
9 prepare for this deposition that we have not
10 discussed yet?

11 A. No.

12 Q. I will switch topics now. You're
13 familiar with Dream On Me, is that right?

14 A. Yes.

15 Q. You're familiar with both Dream On
16 Me Industries and Dream On Me, Inc., is that
17 right?

18 A. I'm not familiar with Dream On Me,
19 Inc.

20 Q. Just Dream On Me Industries?

21 A. Yes.

22 Q. I realize you just said you are not
23 familiar with Dream On Me, Inc., but I will
24 still ask the question. Do you know what the
25 difference is between these two companies?

1 A. Dahiya

2 A. To be frank, I don't know the
3 difference.

4 Q. That's okay.

5 A. Dream On Me, Inc., and they have
6 industries, but I don't know. If there's
7 another company existing, I don't know that.

8 Q. The company that was developing the
9 bid for BBY's assets, was that Dream On Me,
10 Inc. or Dream On Me Industries?

11 A. Dream On Me Industries.

12 Q. What does Dream On Me Industries
13 do?

14 A. They're in multiple businesses from
15 manufacturing to sourcing to designing
16 products to -- and I know Mark is heavy into
17 the real estate side of the investments so
18 yeah, so I would -- that's what I would say.

19 Q. And does Dream On Me specialize in
20 baby products?

21 A. Yes.

22 Q. Can you --

23 A. Yes.

24 Q. Sorry, I'm not trying to interrupt
25 you. Please finish.

1 A. Dahiya

2 A. Go ahead. Sorry.

3 Q. I would ask if you could please
4 expand on that?

5 A. So baby as a category has many
6 subcategories. So you have mattresses,
7 furniture, wood furniture. You may have
8 plastic or metal furniture. You may have
9 gear which is bassinets, which is strollers.

10 Then you have soft goods, you know, that
11 would be, what do you call it, bed sheets
12 and, you know, all that. Pretty much there's
13 a huge list of subcategories that we carry.

14 Q. Dream On Me Industries engages in
15 all of those categories, is that your
16 testimony?

17 A. Correct.

18 Q. Does Dream On Me Industries have
19 retail stores?

20 A. As of now, no, we don't have retail
21 stores.

22 Q. Did Dream On Me ever have retail
23 stores?

24 A. That would be Mark's question. I
25 know that they had been in retail in the

1 A. Dahiya

2 past. I know Mark had been in retail in the
3 past, yeah.

4 Q. Do you personally have retail
5 experience?

6 A. Of a store, no. If you ask me
7 whether I run stores or not, no.

8 Q. Well, I am asking if you run stores
9 so I guess the answer to that is no?

10 A. No.

11 Q. It seems like maybe you have other
12 experience in retail and I would like to
13 know, is that true?

14 A. Yeah, in retail because we are in
15 the retail business, right. We understand D
16 to C, direct to consumer market. Sorry for
17 the acronym.

18 So we do understand that business,
19 E-commerce business. That's the foundation
20 for Dream On Me, that they were dominating
21 the market in the E-commerce space very early
22 on when people really didn't believe in
23 E-commerce that much.

24 Q. So what is your basis for the
25 statement that Dream On Me has retail

1 A. Dahiya

2 experience?

3 A. My understanding with that
4 statement is that we do understand the
5 customer in that retail space, so the retail
6 space is more like B to B to C these days,
7 business to business to customer.

8 We do understand customer behavior. We
9 do understand what they're liking, what is
10 their preferences. All that data today is
11 what we are looking at.

12 It's that retail has changed quite a bit
13 where the days where you would give a product
14 and you're done. The B to B notion, I buy a
15 product, I give it to you, I'm done, I got
16 paid and I'm gone.

17 But that's not the case, you know. You
18 have to take ownership until the end of the
19 customer -- the customer buying, why they're
20 buying, what is the price elasticities in the
21 market. What happens if the product is 20
22 percent discount. What if it's 20 percent
23 over. Who is the competition? Who is taking
24 the market share, the discounting. All those
25 have changed significantly in the E-commerce

1 A. Dahiya

2 world.

3 Q. I believe you testified that Dream
4 On Me has experience knowing customers or
5 knows the customer, is that accurate?

6 A. Yes.

7 Q. Does Dream On Me run any retail
8 stores?

9 A. No.

10 Q. Does it know how to run retail
11 stores?

12 A. They ran it in the past, they would
13 know what that is. I don't know. I can't
14 answer for that.

15 Q. I believe you mentioned that Dream
16 On Me is in manufacturing, is that right?

17 A. Yes.

18 Q. What items does Dream On Me
19 manufacture?

20 A. They manufacture mattresses and
21 mattresses are manufactured in the New Jersey
22 facility. And then we also manufacture
23 furniture.

24 Q. What kind of furniture?

25 A. Toddler beds, cribs, dressers.

1 A. Dahiya

2 Q. Baby furniture?

3 A. Yes, baby furniture, yes.

4 Q. Any other items that Dream On Me
5 manufactures?

6 A. Anything to do with wood, yes, and
7 anything to do with mattresses, yes.

8 Q. Are you familiar with the
9 bankruptcy auction for BBY's assets?

10 A. Yes.

11 Q. How are you familiar with that?

12 A. Because we were in that process
13 during the bankruptcy and even prior to the
14 bankruptcy.

15 Q. Do you know -- continue.

16 A. Sorry, go ahead. Go ahead.

17 Q. Do you know when Dream On Me first
18 became interested in purchasing the assets of
19 BBY?

20 A. In 2021, '22.

21 Q. And --

22 A. I can't be sure, but we did
23 approach the leadership at that point in time
24 that we would be very interested and we
25 didn't want them to land in the same

1 A. Dahiya

2 situation as Toys "R" Us and the Babies "R"
3 Us situation.

4 Q. And why were you interested in them
5 in 2021 or 2022?

6 A. We, of course, we were their
7 vendors. And second, we know the business of
8 Baby. We also knew what happened in the
9 Babies "R" Us and Toys "R" Us situation which
10 was that the mothership brought down Babies
11 "R" Us.

12 It was very similar that Babies "R" Us
13 was doing well. Toys "R" Us was suffering.
14 In this case, it was Bed, Bath & Beyond was
15 suffering and buybuy BABY was a far better
16 enterprise and we were worried that it's
17 going to be same and they should
18 be extracted. We are here to partner with
19 them and we believed that's the route they
20 should be taking now versus later.

21 Q. In 2021 or 2022, when you were
22 approached -- did you approach BBY or Bed,
23 Bath & Beyond?

24 A. We approached BBY and then BBY
25 connected us to the executive team and the

1 A. Dahiya

2 Board and then we had conversations with one
3 of their financial advisers at JP Morgan at
4 that point in time to have the discussion
5 with us, yeah.

6 Q. And what was Dream On Me's proposal
7 at that time in 2021 or 2022?

8 A. The proposal was based on that we
9 have ability to come in, partner with them
10 and help them drive the -- we were very
11 confident of direct import product sourcing,
12 increasing margin.

13 That's what Mark has been living his
14 life on. That we can bring that on and help
15 them and -- I mean we don't want to -- we
16 don't know how this would pan out at that
17 point in time, but Mark did tell me that he
18 had investors who could invest in buybuy BABY
19 because the brand was very strong and then
20 could help them out and we could take that
21 component out of Bed, Bath.

22 Q. Were you looking to invest into
23 buybuy BABY in 2021 or 2022?

24 A. You can say strategic invest.

25 Q. Invest and then extract, I believe,

1 A. Dahiya

2 is the word you used?

3 A. Yes, disintegrate from the Bed Bath
4 world.

5 Q. What happened with that proposal
6 when you --

7 A. I think it was --

8 Q. Sorry I just want to finish my
9 question so it's clear for the record. I
10 know you have a response and it's natural to
11 anticipate what I'm saying, but so the record
12 is clear, please let me finish the question.

13 A. Yes.

14 (Whereupon, the record was read as
15 requested.)

16 Q. -- when you made it to BBBY and/or
17 Bed, Bath & Beyond?

18 A. Yes, when we had the discussion
19 they said they were not ready yet.

20 Q. Okay. Was Dream On Me disappointed
21 about that?

22 A. Yeah, I mean you can say because we
23 truly believed and were passionate about
24 making this brand not go that route that was
25 all evident.

1 A. Dahiya

2 Q. You wanted the deal, right?

3 A. We wanted for the brand to survive,
4 yes.

5 Q. Did you keep an eye on BBY and/or
6 Bed, Bath & Beyond after that deal fell
7 through?

8 A. Yes, we did.

9 Q. Why did you do that?

10 A. Just to make sure that we are
11 making our intentions clear, that we are an
12 interested party in that brand.

13 Q. Are you aware that at some point in
14 time that Bed, Bath & Beyond filed for
15 bankruptcy?

16 A. Yes. I don't know the exact dates
17 when they filed.

18 Q. Do you know when Dream On Me became
19 aware of the bankruptcy?

20 A. I think we got -- I don't know the
21 date whenever it was filed. You don't really
22 come to know who is filing and when they are
23 filing, but we knew from the credit situation
24 that they were in and how they were paying us
25 on shipments, so they were distressed

1 A. Dahiya

2 financially so the indicators were there. It
3 could happen any time. Nobody would tell us
4 exactly, but it was all there.

5 MR. MURPHY: Just to clarify, was
6 your last question about Bed, Bath &
7 Beyond or buybuy BABY bankruptcy? I
8 couldn't tell.

9 MR. BERLOWITZ: I think I said Bed,
10 Bath & Beyond. But, you know, the
11 record will reflect what I said, I
12 guess.

13 Is there a clarification that you
14 want, Tom?

15 MR. MURPHY: No, that's fine.

16 Q. I believe you testified that just
17 now that you were aware that Bed, Bath &
18 Beyond was in distress before they filed for
19 bankruptcy?

20 A. Yes.

21 Q. So were you keeping a closer eye on
22 the potential bankruptcy as a result?

23 A. Yes, everybody was. And so there's
24 a risk as we are suppliers. And I also don't
25 remember clearly, but somewhere in March or

1 A. Dahiya

2 April, that I reached out again to the buybuy
3 BABY leadership and they connected us again
4 with a name in Bed, Bath & Beyond, to Bed,
5 Bath & Beyond leadership saying we are
6 interested and talk to them.

7 Q. I wanted to clarify to make sure we
8 are all on the same page particularly in
9 light of Tom's clarifying question.

10 Bed, Bath & Beyond filed for bankruptcy,
11 correct?

12 A. Correct.

13 Q. Not buybuy BABY?

14 A. Buybuy BABY, I don't know whether
15 it was a separate -- everything was together
16 in terms that both were --

17 Q. And Bed, Bath & Beyond is the
18 parent company to buybuy BABY, is that
19 accurate?

20 A. Yes, parent company. I don't know
21 their structure, whether it was buybuy BABY,
22 Inc. or something like that, but you can say
23 either it was their division or you can say
24 it was a wholly owned subsidiary or
25 something, I don't know.

1 A. Dahiya

2 Q. I'm just asking for your
3 understanding. So that's your understanding?

4 A. Yeah.

5 Q. When did you become aware of the
6 bankruptcy auction for the BBY assets? By
7 you, I'm asking Dream On Me.

8 A. I believe we had a meeting with
9 Bed, Bath & Beyond. I don't remember when
10 that was. Maybe May. Definitely it was
11 after they had filed for bankruptcy. I don't
12 know the exact date, but we were talking to
13 Bed, Bath & Beyond on a potential plan to
14 revive both Bed Bath and buybuy. That was
15 the conversation.

16 And it was lead by their CEO, Suegov.
17 So that's where we were, one of the parties
18 to that conversation, how can we help Bed,
19 Bath to restructure, to help in that
20 situation, yeah.

21 Q. Do you know when Dream On Me
22 started developing or working on a bid for
23 BBY's assets?

24 A. I would say -- if you say a proper
25 bid, it was quite late I think. I think it

1 A. Dahiya

2 was somewhere around May or June.

3 Q. Late May or early June?

4 A. Yes, somewhere around that time.

5 Because I do remember they were having every

6 week, there were due dates, like Monday,

7 Tuesday, we need the bid. On Friday, we need

8 the bid. And then they'll get an extension.

9 It was too much going on at that point.

10 Q. To clarify, are you saying due

11 dates as D-U-E?

12 A. Yes.

13 Q. The due dates kept getting moved,

14 is that right?

15 A. Yes, that whole process was a

16 disaster.

17 Q. Do you know of a company called Go

18 Global?

19 A. Yes, we were introduced to them,

20 yes.

21 Q. Do you know around when you were

22 introduced?

23 A. June. Somewhere in June. Lazard

24 introduced us.

25 Q. I'm sharing a document with you

1 A. Dahiya

2 now. Do you see the document that I'm
3 sharing.

4 A. Correct.

5 (Whereupon, at this time, an
6 exhibit was displayed via Zoom.)

7 (Whereupon, at this time, a
8 document was marked as Plaintiff's
9 Exhibit 2, as of this date.)

10 Q. This is a document -- it is an
11 email from Milan Gandhi to Christian Feuer,
12 Mark Srouer and Avish Dahiya. It is dated
13 June 10, 2023. It bears the Bates number DOM
14 10726.

15 On the first page, I will give you a
16 quick moment to read this and let me know
17 when you're done. Have you read it?

18 A. Give me a second.

19 (Whereupon, at this time, there was
20 a pause in the proceeding.)

21 A. Okay.

22 Q. Do you recognize this email?

23 A. Yes, I do.

24 Q. What is this email?

25 A. This is an introduction email that

1 A. Dahiya

2 I think Milan has responded to.

3 Q. It's an introduction to Go Global,
4 is that right?

5 A. Yes, connect.

6 Q. And this introduction was made --
7 was this made by Lazard or Ankura?

8 A. Lazard.

9 Q. At this point were you being
10 introduced to any other companies in relation
11 to a potential bid for BBY's assets?

12 A. At this point in time, we were also
13 in discussion with a few other members --
14 remember we had conversations with Bed, Bath
15 and we were still talking to some of those
16 vendors, where they were with reference to
17 revival of Bed, Bath or buybuy.

18 Q. Were you looking to partner with
19 those vendors in relation to a bid at the
20 bankruptcy auction?

21 A. Yes, that was the intent of that
22 meeting with Bed, Bath, that how vendors can
23 partner with them to revive the brand.

24 Q. Okay.

25 A. So it was the same conversation.

1 A. Dahiya

2 Q. Going back to your introduction to
3 Go Global, do you know why Dream On Me was
4 introduced to Go Global?

5 A. Lazard introduced us -- they must
6 have spoken to Milan and they suggested that
7 we work with -- there could be something in
8 the partnership between us and Go Global and
9 that we should talk.

10 Q. When you say "there could be
11 something in the partnership," can you be
12 more specific about what that partnership
13 would look like or what was discussed in
14 terms of --

15 A. No, I don't think so. There was
16 not any specifics. It was more hey, Go
17 Global could be a good partner, why don't you
18 guys speak, figure it out, whatever.

19 Q. When you were introduced to Go
20 Global at this time, were you interested in
21 speaking to Go Global?

22 A. Yes.

23 Q. Why?

24 A. Because Lazard asked us to speak to
25 them and we were willing to speak to them to

1 A. Dahiya

2 figure it out what that partnership could be.

3 Q. What did you hope, if anything,
4 would come out of a partnership at this time
5 with Go Global?

6 A. The part that everybody was looking
7 at at that point in time was a -- how can you
8 revive the brand in a going concern manner.
9 And that was the focus, I would say,
10 everybody had. And for that if it's a
11 partnership, to look from the partnership
12 angle because going concern was not that
13 simple.

14 Q. This email is sent from Milan
15 Gandhi, right?

16 A. Yes.

17 Q. Who is Milan Gandhi?

18 A. He's a financial consultant.

19 Q. Does he work at Dream On Me?

20 A. No, he is an independent
21 consultant.

22 Q. Was he an independent consultant at
23 this time for Dream On Me?

24 A. Correct.

25 Q. I will scroll down to this email

1 A. Dahiya

2 which is from Christian Tempke, the June 9,
3 2023 email. Please read this email and let
4 me know when you're done.

5 A. Yes.

6 (Whereupon, at this time, there was
7 a pause in the proceeding.)

8 A. Okay.

9 Q. The second sentence reads, "Milan
10 will add his client. I would encourage you
11 to speak directly about a potential baby
12 going concern transaction and see whether our
13 partnership makes sense." Do you see that
14 sentence?

15 A. Correct.

16 Q. There's no mention of the
17 intellectual property in this email, is
18 there?

19 A. No.

20 Q. No?

21 A. No.

22 Q. When did Dream On Me eventually
23 become interested in the intellectual
24 property assets of BBY?

25 A. I would say given that everything

1 A. Dahiya
2 was happening in lightning speed, the core of
3 the focus from Dream On Me has been to
4 acquire or to save the brand because we
5 believed in the brand. It didn't matter what
6 instrument may have been used, but that's
7 been the thinking since 2021, '22.

8 Q. So is it fair to say that Dream On
9 Me was always interested potentially in the
10 intellectual property assets of BBY?

11 A. Yes, because whether you get --

12 MR. MURPHY: Objection.

13 THE WITNESS: Sorry, Tom.

14 MR. MURPHY: You can answer. I was
15 just objecting to the question. You can
16 answer.

17 A. Yes, because whether it was going
18 concern, you would be getting the brand. You
19 know, whether you're through the IP or by
20 going concern means -- the core is the
21 business that we know and the brand that we
22 know. That's the core.

23 Q. After you received this
24 introductory email, what did Dream On Me do?

25 A. This is on Saturday. I believe,

1 A. Dahiya

2 Milan spoke to him.

3 Q. Who is him?

4 A. To Christian.

5 Q. Do you know whether you decided to
6 arrange a meeting?

7 A. What I remember is that when we
8 spoke or when he spoke, that this needs to be
9 done. There was an extreme urgency to -- I
10 think they had to submit a bid or meet a
11 timeline, which was like Tuesday or something
12 next week.

13 We all knew these dates were just coming
14 from nowhere. But something, there was an
15 extreme urgency in talking immediately.
16 That's probably what Lazard wanted, that
17 these parties talk if there was something
18 that can happen.

19 Q. Did Dream On Me arrange to have a
20 meeting with Go Global?

21 A. I believe finally that is what
22 happened, that we meet them and I think it
23 was on Monday.

24 Q. What, in particular, was Dream On
25 Me interested in discussing with Go Global?

1 A. Dahiya

2 A. Nothing in particular. I think it
3 was all about, at a very high level, it was
4 let's meet and then figure it out, what we --
5 where we are, where you are, is there a
6 partnership.

7 I don't think there was any -- and
8 whether we can do the timelines, whatever the
9 timelines were.

10 Q. At this point in time, had Dream On
11 Me done any due diligence for a bid for
12 BBY's assets?

13 A. We had gone through the data room
14 so we had access to the data room. We had
15 looked for that information, the P & L's,
16 some work, some data has been looked at.

17 Some of the data that was shared to us
18 was by the Bed, Bath leadership, all that was
19 going on, and then our history, nothing new,
20 our history with them for many years.

21 We knew a lot of members in their teams
22 that we had relationships with and have
23 worked together in the past. All that was in
24 the play.

25 Q. You mentioned the data room, are

1 A. Dahiya

2 you referencing the Lazard data room?

3 A. Yes, correct.

4 Q. You had --

5 A. Buybuy BABY, Bed, Bath data room,
6 yes, kind of.

7 Q. You had access to the Lazard data
8 room at this time, is that right?

9 A. Yes.

10 Q. Are you aware that other companies
11 interested in placing a potential bid also
12 had access to the Lazard data room?

13 A. Correct, everybody had.

14 Q. Everybody had access to the Lazard
15 data room?

16 A. Yes, whoever was interested in the
17 brand, yes.

18 Q. Was the Lazard data room populated
19 with hard data?

20 A. Can you ask the question again.

21 Q. Sure. I'll ask a different
22 question.

23 Did you look at the Lazard data room at
24 that time?

25 A. Yes, we were looking at it.

1 A. Dahiya

2 Q. And what was in the Lazard data
3 room?

4 A. They had everything from, you name
5 it, stores, websites, marketing data, tech
6 data, HR data, you know, a lot of data was
7 there.

8 Q. And that data was made available to
9 anyone who wanted to -- who was participating
10 or wanted to develop a bid, is that right?

11 A. Correct.

12 Q. A company wouldn't store its own
13 personal findings on the Lazard data room, is
14 that right?

15 A. Wouldn't, but if I asked anything
16 from Bed, Bath and they had to work on that
17 data, they had to update the data room so the
18 data room continued to evolve. Since we
19 started on a daily basis, every day that data
20 room would change.

21 Q. When a company would make a request
22 of Lazard, Lazard would process that request
23 and populate the data room, but then that
24 data was available to everyone, is that
25 right?

1 A. Dahiya

2 A. Correct.

3 Q. Okay.

4 A. Correct.

5 Q. When I asked you if Dream On Me had
6 conducted any due diligence up to that point,
7 you said that you looked at that Lazard data
8 room, is that right?

9 A. Yes, we knew what the data was. We
10 knew the scope of the data that was there so
11 we had a fairly good idea about all the data
12 in that room.

13 Q. At this time on June 10, the date
14 of this email, had you taken any of that data
15 and processed it or developed it into your
16 own thesis, into your own documents at Dream
17 On Me?

18 A. No, we didn't.

19 Q. No documents?

20 A. No, we were reviewing all these and
21 maybe individually making our own analysis,
22 but -- if you're saying any complicated
23 models trying to see what this business looks
24 like, no.

25 Q. When you say we were reviewing this

1 A. Dahiya

2 data and maybe making our own analysis, was
3 that analysis recorded in any way at this
4 time?

5 A. No. I know that Amit was looking
6 at the tech side of the data. He was doing
7 his own thing on that.

8 I was looking at some data. Milan was
9 looking at some of this data. And we were
10 like, okay, this is what it is.

11 It was very complicated. People don't
12 realize. It is highly complicated and even
13 Bed, Bath didn't know this data well.

14 Q. And the data that you've reviewed
15 is the data that was provided in the Lazard
16 data room and available to all the potential
17 bidders, correct?

18 A. Correct, that's what we were told.

19 Q. I'm sharing with you another
20 document. Do you see it on the screen?

21 A. Yes.

22 (Whereupon, at this time, an
23 exhibit was displayed via Zoom.)

24 (Whereupon, at this time, a
25 document was marked as Plaintiff's

1 A. Dahiya

2 Exhibit 3, as of this date.)

3 Q. This is an email from Avish Dahiya
4 to Christian Feuer. It is cc'g Milan Ghandi,
5 Mark Srour and Matthew Lapish. Subject is
6 connect.

7 It has an attachment of a Go Global NDA
8 and it bears Bates number beginning with DOM
9 10737.

10 Mr. Dahiya, do you recognize this
11 document?

12 A. Yes.

13 Q. Also just, am I pronouncing your
14 name correctly, Dahiya?

15 A. Yes.

16 Q. What is this document?

17 A. This is a communication regarding
18 the NDA.

19 Q. Go Global had you sign an NDA, is
20 that right?

21 A. Yes.

22 Q. Do you know why?

23 A. They wanted us to sign an NDA
24 urgently because they cannot talk to us till
25 that NDA was signed.

1 A. Dahiya

2 They believed they had certain
3 information they wanted to share and they
4 wanted an NDA to be signed.

5 Q. Were you interested in that
6 information?

7 A. We didn't know what is the
8 information so we don't know whether we're
9 interested. We wanted to have the
10 conversation if there was a partnership so we
11 don't know what the information is.

12 At that point nobody told us this is the
13 information that we'll share, but yes.

14 Q. It was communicated to you though
15 that if you signed this NDA Go Global would
16 share certain of its information with you?

17 A. Correct.

18 Q. Did you want to see that
19 information?

20 A. Yes, we wanted to get on the
21 conversation with them and yes, if that was
22 something that they wanted to talk about,
23 yes.

24 Q. I believe you said that Go Global
25 wanted you to sign this, and I'm

1 A. Dahiya

2 paraphrasing, this NDA quickly; is that an
3 accurate reflection of your testimony?

4 A. Yes, there was an extreme urgency.

5 Q. Urgency?

6 A. Yes. We -- even before Go Global
7 came in, that urgency, the whole process had
8 been run in a very urgent manner and, for
9 lack of a better word, in a chaotic manner.

10 Q. Is it fair to say that one of the
11 reasons that Go Global wanted you to sign
12 this expeditiously is because of the schedule
13 that was sent for the bankruptcy?

14 A. I can't really say, but yeah, they
15 were pushing it hard.

16 There was a schedule, I don't exactly
17 know, but there was something on Tuesday so
18 they needed this to be done ASAP for us to
19 have the conversation and needed to meet and
20 then I think -- so that got pushed to Friday.
21 I don't know.

22 Q. I believe you testified before, you
23 would agree, that the schedule set up for the
24 bankruptcy auction was short, is that right?

25 A. Yeah. Weekly, twice weekly, yeah.

1 A. Dahiya

2 Q. Very compressed, is that right?

3 A. Yes.

4 Q. And do you know whether Go Global
5 set that schedule?

6 A. No, I don't know. I don't think
7 so.

8 Q. You don't think so?

9 A. Yeah.

10 (Whereupon, at this time, an
11 exhibit was displayed via Zoom.)

12 (Whereupon, at this time, a
13 document was marked as Plaintiff's
14 Exhibit 4, as of this date.)

15 Q. I'm sharing another document with
16 you. This document is titled Go Global
17 nondisclosure agreement. It bears Bates
18 number GG 8791.

19 Mr. Dahiya, do you recognize this
20 document?

21 A. I do.

22 Q. What is this document?

23 A. It's the NDA that they had sent us.

24 Q. I will scroll down to the signature
25 page.

1 A. Dahiya

2 A. Yes.

3 Q. Can you see that? We'll start with
4 Go Global. The Go Global signer is Jeffrey
5 Streader, is that right?

6 A. Yeah.

7 Q. He is the managing partner. It
8 says that as his title, is that right?

9 A. Yeah.

10 Q. And do you see his signature there?

11 A. Yes.

12 Q. And to the right of that is the
13 Dream On Me signature line. Do you see that?

14 A. Yes.

15 Q. It's signed by Avish Dahiya, is
16 that right?

17 A. Correct.

18 Q. That's you?

19 A. Correct.

20 Q. Is that your signature?

21 A. Yes.

22 Q. Your title listed here is CMO and
23 CTO, is that right?

24 A. Yes.

25 Q. What is a CMO?

1 A. Dahiya

2 A. Chief marketing officer. CTO is
3 chief technology officer.

4 Q. Also I see that you're signing it
5 on behalf of Dream On Me, Inc./DOM family.
6 What is the DOM family?

7 A. DOM family is short form of DOM
8 brands. You know, it's like a family of
9 brands. We have multiple brands.

10 Q. Do you normally sign documents that
11 way when you sign on behalf of DOM?

12 A. I don't remember, but I don't -- I
13 don't know.

14 Q. Did you have authority to sign this
15 document?

16 A. No, I didn't have authority to sign
17 this.

18 Q. You didn't ask anyone for authority
19 to sign this document?

20 A. I didn't have the concerned
21 person --

22 Q. Say that again?

23 A. I didn't have a concerned person
24 to --

25 Q. What do you mean by that?

1 A. Dahiya

2 A. This was on Saturday and it was --
3 yeah, so Mark wasn't available. We didn't
4 have access to legal counsel, nothing when we
5 signed this.

6 Q. I'm not asking if you had access to
7 legal counsel. I'm asking if you had
8 authorization from Dream On Me to execute
9 this document?

10 A. No, I didn't have it at that point,
11 no.

12 Q. You didn't ask Mark?

13 A. No.

14 Q. Is there anyone else you would have
15 to ask to get authorization?

16 A. It's Mark.

17 Q. Not Joey?

18 A. No.

19 Q. Is there --

20 A. Joey was not involved in this
21 process so he wouldn't know.

22 Q. Did you need to ask Mark for
23 permission to sign any document on behalf of
24 Dream On Me?

25 A. Yes. So yes, you'll say this is

1 A. Dahiya

2 the document and he has to say yes, good to
3 go or whatever, yeah.

4 Q. And have you done so in the past?

5 A. Yes.

6 Q. Every single time?

7 A. As I remember, yes.

8 Q. Can you give me specific examples
9 of agreements you've signed on behalf of
10 Dream On Me in which you asked Mark for
11 permission expressly?

12 A. Yes, there are many agreements,
13 whether it's a retail agreement that comes
14 in, you know, I'll ask him is it good to
15 sign. And he'll agree or he'll have concerns
16 or he'll tell me that this needs more
17 vetting. That's what we do.

18 Q. I'm asking for a specific example.

19 A. Yes, Amazon contracts, retailer,
20 yeah.

21 Q. You've always asked him, is that
22 right?

23 A. Correct.

24 Q. You've never failed to ask him for
25 authority before?

1 A. Dahiya

2 A. As I remember, yes.

3 Q. But you did so in this instance, is
4 that right?

5 A. I didn't ask him.

6 Q. Why not?

7 A. He was not available and I just
8 took a decision to sign.

9 Q. Did you read this document before
10 you signed it?

11 A. It will show my incompetency, but I
12 didn't.

13 Q. Did you have an attorney review it
14 before you signed it?

15 A. No.

16 Q. Do you know if anyone at Dream On
17 Me reviewed it before you signed it?

18 A. No.

19 Q. This is going to be repetitive, do
20 you see the first paragraph, paragraph one?

21 A. Yes.

22 Q. Did you read that paragraph before
23 you signed this?

24 A. Yes, I did read that one, yes.

25 Q. Do you see paragraph two on the

1 A. Dahiya

2 page in front of you?

3 A. I don't remember, but the usual
4 notion is that it's a standard mutual
5 nondisclosure agreement so that's what I
6 believed this is. And it was my reason to
7 sign it and send it quickly back.

8 Q. I'm just asking if you read
9 paragraph two before you signed this
10 document.

11 A. I don't remember.

12 Q. Okay. What about paragraph three,
13 did you read paragraph three, I will scroll
14 down, before you signed this document?

15 I realize it bleeds onto the top part of
16 the right side of the page, let me know if
17 you need me to scroll for you.

18 (Whereupon, at this time, there was
19 a pause in the proceeding.)

20 A. I don't remember, but it seems very
21 difficult for me to now think about that
22 thing, but I think when I started to look at
23 it, it's my viewpoint that this is a standard
24 nondisclosure agreement so it's fine, you
25 know. They have something they want to talk

1 A. Dahiya

2 about and that's what my thinking was at that
3 point in time. This needs to be done ASAP
4 and that's it.

5 Q. Did you review --

6 A. It was Sunday, I was home and --
7 yes, so go.

8 Q. Did you review paragraph three
9 before you signed this document?

10 A. No.

11 Q. Did you review paragraph five
12 before you signed this document? I can
13 scroll if you need me to.

14 A. No, I didn't.

15 Q. Did you review paragraph 12, at the
16 bottom of this page now, leading up to the
17 top of the right side, did you review
18 paragraph 12 before you signed this document?

19 A. No. I don't remember. I don't
20 think so that I did.

21 Q. I believe you testified when I was
22 asking you about paragraph one that you did
23 review this paragraph before you signed it?

24 A. Yes.

25 Q. Is that right?

1 A. Dahiya

2 A. The one, yes.

3 Q. This paragraph says, "In connection
4 with this discussion regarding the purpose
5 defined below, Global may disclose
6 proprietary information defined below to
7 recipient. As a condition to such
8 information being furnished to recipient,
9 recipient agrees to treat any information
10 concerning the target in accordance with the
11 provisions of this agreement and/or to take
12 or abstain from taking certain actions set
13 forth herein." Do you see that?

14 A. Yes.

15 Q. And you read that before you signed
16 this, correct?

17 A. Yeah.

18 Q. You didn't read any other
19 paragraph?

20 A. Again, I -- yeah, no.

21 Q. You were aware after reading this
22 paragraph that Go Global was going to
23 disclose proprietary information to you, is
24 that right?

25 A. Yeah. They know what that

1 A. Dahiya

2 information was, but they wanted to talk
3 after this was being signed, after this being
4 signed, yeah.

5 Q. You know what an NDA is, right?

6 A. Yes.

7 Q. You know it's used to protect, in
8 some instances, the disclosure of
9 information -- to protect against the
10 disclosure of information?

11 A. Yeah. Yeah. It is a normal
12 business practice. And usually I've seen in
13 such cases, it's a mutual nondisclosure
14 agreement because information is shared
15 between both the parties.

16 Q. This is not a mutual nondisclosure
17 agreement, isn't that right?

18 A. I thought it was a mutual
19 agreement.

20 Q. Why did you think Go Global was
21 giving you the NDA to sign?

22 A. Because they wanted to share
23 information or they wanted to talk to us
24 immediately and they wanted this to happen.

25 Q. And you were willing to receive

1 A. Dahiya

2 that information, correct?

3 A. Yeah, have the discussion and look
4 at that information, yes.

5 Q. And that's why you signed the NDA,
6 is that right?

7 A. Yeah, it's --

8 Q. At this point in time, and this
9 agreement is dated June 10, 2023, had Dream
10 On Me developed a financial model in relation
11 to the bid for BBBY's assets?

12 A. I know we didn't have a financial
13 formal bid for any buyout, no.

14 Q. I'm asking about, just to clarify,
15 a financial bid, financial model and had
16 Dream On Me developed a financial model at
17 this time?

18 A. Whatever the models was in Bed,
19 Bath were the models that we were using.

20 Q. What you say Bed, Bath, are you
21 referring to the Lazard data room?

22 A. Yes.

23 Q. And again that stuff was available
24 to everyone who was making --

25 A. Correct.

1 A. Dahiya

2 Q. Looking into a bid?

3 A. Correct.

4 Q. On June 6, 2023, is it fair to say
5 that Dream On Me was interested in and
6 working on developing a bid for BBY's
7 assets?

8 A. Yes.

9 Q. Who at Dream On Me was working on
10 this?

11 A. Mark, financial was more of his,
12 look at that data and understanding that.
13 Milan was helping him.

14 Q. Anybody else?

15 A. No, not on the financial side, no.

16 Q. What about in other areas in
17 relation to a bid for BBY's assets?

18 A. Amit was working on it, but I don't
19 know anyone else at that point in time.

20 Q. Was Jack Srour working on this
21 potential deal?

22 A. Jack was involved because he was
23 there in this.

24 Q. So --

25 A. He was giving his opinions and his

1 A. Dahiya

2 feedback.

3 Q. I believe you testified that Mark
4 was involved, is that right?

5 A. Yes.

6 Q. And I believe you testified that
7 Mark's involvement concerned looking at the
8 financial model, is that accurate?

9 A. Correct.

10 Q. You testified that he understood
11 the data, is that right?

12 A. The financial aspects of the
13 business, that's what he does.

14 Q. Do you know if Mark was working on
15 anything else in regards to this deal?

16 A. Maybe on the funding side, trying
17 to talk to different people, yes.

18 Q. At this point in time, June 10, had
19 Mark shown you any financial model that he
20 was working on?

21 A. No, Mark -- Mark works a lot from
22 his business acumen, right. Whatever my past
23 experience with him is, that he just -- he
24 doesn't rely on numbers. He has to have the
25 business side of it, the value proposition of

1 A. Dahiya

2 it, can he improve it. He knows the
3 business. He knows the product. He knows so
4 it's all about how can I bring value to this.
5 I have a source supply chain. I have a
6 certain expertise, if financially put in, is
7 it in the numbers.

8 Numbers are all over the place. It's
9 very difficult for any model to really
10 justify any numbers so his was always, hey,
11 we know this well.

12 Let's say these numbers are wrong. We
13 can still, knowing the business, we can still
14 take value out. That's -- I think that's how
15 his head is at. It's always -- that's what
16 we have done always in the past deals.
17 That's how he operates. That's Mark, you
18 know.

19 And that's how he was working with his
20 family and friends telling them that buybuy
21 BABY is a great brand and we don't know where
22 we will land, but hey, I'm here and I
23 understand this. I can make it work, you
24 know.

25 Q. Would you say that Mark like

1 A. Dahiya

2 operates on his gut?

3 A. Yes, a lot. A lot.

4 Q. And again, just to clarify, at this
5 time Mark had not shown you a financial model
6 that he had developed, is that right?

7 A. Yes, he was working on the models,
8 all the financial things that were there in
9 Bed, Bath. So he was quite deep into those
10 data to see what they were saying.

11 Q. He was reviewing the data in the
12 Lazard data room, is that right?

13 A. Yes.

14 Q. Was he reviewing other data?

15 A. Other than in the sense that we
16 knew the people who were in Bed, Bath so we
17 can talk to them. He had his own financial
18 advisers.

19 I don't know who else he would have
20 spoken to. I'm not privy to that.

21 Q. Fair enough.

22 A. Yeah.

23 Q. You mentioned Milan Gandhi, what is
24 his role in relation to this deal?

25 A. So financial advice, his

1 A. Dahiya
2 facilitation capabilities, network. He
3 brings phenomenal network to the table so we
4 can reach out to anyone else, whether we need
5 to reach out to Helco or reach out to this or
6 that.

7 He's well in the network. We could talk
8 to those people if need be, financial
9 institutions that we can reach to. So he had
10 that, the ability to talk to them, let's take
11 their viewpoint, listen to them kind of. A
12 guy who can tell you, okay, these are the
13 risks from his perspective and make sure you
14 look at these things before you make certain
15 decisions. That has been his role.

16 Q. What due diligence was Milan
17 specifically responsible for in relation to
18 Dream On Me's development of a bid for BBY's
19 assets, if you know.

20 A. I remember that we had 20 hour days
21 and we were just sleeping out of the office.
22 It was all over the place. You know, if you
23 ask me to go back, and it was a horrendous
24 experience, and I -- he was trying to do --
25 everybody was trying to do the best they can

1 A. Dahiya

2 in that limitation that we were provided to
3 operate in, you know.

4 Q. Did you feel that you were, that
5 you did not have the resources at the time
6 when you were developing this bid, the
7 adequate resources to develop this bid?

8 A. Always short on resources. If
9 somebody would have given us a hundred
10 people, even that would have been short.

11 Q. How many people did you have?

12 A. I know somebody was working with
13 Mark. He had his, whatever his connections,
14 but the core members in the process were all
15 of us, Amit, myself, Mark, Milan. Of course
16 we had legal help, a legal team.

17 Mark had his team from supply chain that
18 DOM has, imports coming from them. Them
19 looking at some of the data points and giving
20 him that feedback and his other financial
21 guys he may have reached out to to just give
22 their viewpoint, hey, what do you think about
23 this, you know.

24 Q. You mentioned someone was working
25 with Mark. Do you know who that was?

1 A. Dahiya

2 A. There was a gentleman, I don't
3 remember his name.

4 Q. Was his name Scott Englander?

5 A. I believe he's his real estate
6 partner.

7 Q. I'm asking if the person you're
8 thinking of that Mark was working with, was
9 it Scott Englander?

10 A. Maybe. His real estate partners
11 and their teams could be working with Mark.
12 Very difficult, again, I don't have that
13 view. There was a gentleman working on some
14 financials. His name was Yussi. Yussi or
15 Yoshi.

16 Q. Do you know what Yussi's full name
17 is?

18 A. Not right on the back.

19 Q. If I tell you Yussy's full name is
20 Joseph Friedland, does that sound right to
21 you?

22 A. Joseph Friedland, again, seems to
23 be his partner in real estate, but there was
24 somebody in financials that was helping him.
25 Could be part of the same group. You know,

1 A. Dahiya

2 it could be -- you know, they must be working
3 together on the financial side so it's
4 difficult to really pinpoint.

5 Q. I'm going to throw out a few names.
6 I realize you said you don't remember, but I
7 will try and refresh your recollection.

8 Is the person that you're trying to
9 think of who Mark worked with Jacob Sod?

10 A. Again, one of the investors, yeah,
11 one of the investors.

12 Q. What about Charles Fern?

13 A. Charles Fern? Again one of the
14 investors.

15 Q. Jacobi Azot, Jacoba Azot?

16 A. Must be one of his investors in
17 real estate, yeah.

18 Q. I believe you testified that Amit
19 was working on the technology side, is that
20 right?

21 A. Correct.

22 Q. What else was he working on, if
23 anything, if you know?

24 A. During this process his entire
25 focus was on -- that was one area that I

1 A. Dahiya

2 personally was very concerned, the technology
3 part of Bed, Bath and that we knew even when
4 we were working with them, it's not something
5 that came up overnight because we used to
6 work with them. I've been working with the
7 teams in the past and always this used to --
8 buybuy BABY is a challenge.

9 It used to be a challenge during even
10 when buybuy BABY was operating. That they
11 didn't know what the hell tech was doing.
12 The systems and simple processes used to take
13 forever. Getting one product line used to
14 take 60 days, 90 days.

15 So there was a black hole somewhere in
16 that so we needed to really make sure what
17 that world looks like. That's intertwined to
18 the core and that also brings the question of
19 validation of those numbers in any of those
20 core areas, God knows, you know, kind of
21 situation.

22 Q. As of June 10, 2023, do you know if
23 Amit had produced any written documentation
24 with regard to an analysis that he developed
25 relating to Dream On Me's bid for BBY's

1 A. Dahiya

2 assets?

3 A. I don't recollect, but I know he
4 had his viewpoint. Again, it was --
5 everybody was in those days. So he was
6 talking to people. His viewpoint could be
7 changing.

8 Again, though we look like a team, we
9 were doing whatever in our own silo self to
10 make sure you don't drop the ball and keep
11 running with it kind of situation.

12 Q. I believe you also testified that
13 Jack Srouer had been involved, is that
14 accurate?

15 A. Yes, he was in. I do remember him
16 participating in the meeting and he did -- he
17 did provide his feedback. Mark and him has a
18 relationship, so yeah.

19 Q. When you say --

20 A. Plus he was in training, learning.

21 Q. When you say the meeting, what
22 meeting are you referring to?

23 A. The one we had in the restaurant.

24 Q. Is that the June 12 in-person
25 meeting between Dream On Me and Go Global?

1 A. Dahiya

2 A. June.

3 Q. June, this happened on June 10?

4 A. I feel -- no, June 12, correct,
5 sorry.

6 Q. No problem. No problem. I was
7 surprised.

8 A. June 12.

9 MR. MURPHY: Can we take a break
10 for a moment. We can go straight
11 through to lunch.

12 MR. BERLOWITZ: I was going to
13 finish a couple of things and then we
14 can take a break. I'm happy to take a
15 break right now.

16 MR. MURPHY: I just -- it's been
17 like an hour and 40.

18 MR. BERLOWITZ: Let's take a break
19 now. How much time do you want?

20 MR. MURPHY: Just five or ten
21 minutes.

22 MR. BERLOWITZ: Let's go ten
23 minutes.

24 (Whereupon, at this time, there was
25 a pause in the proceeding.)

1 A. Dahiya

2 Q. I don't believe I'm displaying
3 anything. Do you see the document I'm
4 displaying to you? It should be the NDA that
5 we've been discussing.

6 A. Yes.

7 Q. I believe that you testified that
8 you don't have a formal title with Dream On
9 Me, is that right?

10 A. Formal title? I didn't get your
11 question.

12 Q. My question is, did you previously
13 testify that you do not have a formal title
14 with Dream On Me?

15 A. No, I said titles don't mean
16 anything at Dream On Me because people do
17 everything.

18 Q. Okay. So when you put your title
19 as CMO, CTO, I guess my question is why did
20 you choose those roles as your title?

21 A. Those are assigned -- it means --
22 it doesn't mean that I only do CMO or CTO.
23 That's what I was saying.

24 Q. You do more?

25 A. Yes.

1 A. Dahiya

2 Q. But you are the CMO of Dream On Me?

3 A. Correct.

4 Q. And you are the CTO of Dream On Me,
5 is that right?

6 A. Yes.

7 Q. How big, when I say big, I'm saying
8 about the number of employees, how big is
9 Dream On Me, if you know?

10 A. 150, 200 people is a guess.

11 Q. I prefer you not to guess. If that
12 is an estimate based on your personal
13 knowledge, I will accept it.

14 A. Yes, estimate.

15 Q. Does anyone at Dream On Me report
16 to you?

17 A. We have a flat structure so we have
18 teams, but we don't have a hierarchy.

19 Q. Do you know if Dream On Me has an
20 operating agreement?

21 A. I don't know, not aware.

22 Q. Do you know if Dream On Me has a
23 Board of Directors?

24 A. Not aware.

25 Q. I believe you previously testified

1 A. Dahiya

2 that you work for Dream On Me Industries, is
3 that right?

4 A. Correct.

5 Q. You signed this document Dream On
6 Me, Inc. though?

7 A. Yes.

8 Q. Do you see that?

9 A. Yes, I can see that.

10 Q. Why did you do that?

11 A. It's in our world when we write
12 Dream On Me, Inc. it's like we are saying
13 Dream On Me Industries Inc. I don't know --

14 Q. Is that also why you wrote DOM
15 family?

16 A. Yes. Yes, that's how we write it.

17 Q. Did you sign an NDA with Lazard, do
18 you know if you did that?

19 A. Yes.

20 Q. Yes, you know?

21 A. Yes, with Bed, Bath, correct.

22 Q. And did you sign that document?

23 A. I don't remember.

24 Q. Do you know if you signed any other
25 NDA's related to this potential acquisition

1 A. Dahiya

2 of BBY's assets?

3 A. I don't believe so.

4 Q. Have you signed NDA's before?

5 A. Yeah, it's a usual document.

6 Mutual NDA's are very common and in my life
7 time I would have signed many mutual NDA's
8 yes.

9 Q. I believe you testified previously
10 that you were running 20 hour workdays while
11 you were working on a potential bid for
12 BBY's assets, is that right?

13 A. Yeah.

14 Q. Was everyone on the team, by team
15 I'm referring to yourself, Mark, Milan, Amit
16 and Jack, were they all working long hours?

17 A. I believe so. Everybody was.
18 Everybody was. Maybe some people were
19 running early in the morning, some people
20 were working late. It was all over the
21 place, but yes everybody was --

22 Q. I believe you even used the word
23 chaos or chaotic to describe it, is that
24 accurate?

25 A. Yes, the process was chaotic.

1 A. Dahiya

2 Q. Can you explain a little bit more
3 about why you think the process was chaotic?

4 A. Many reasons. Information, too
5 much information, information changing on a
6 daily basis. The company is unfortunately --
7 Bed, Bath was into GOB, going out of business
8 sale. That's happening live while you're
9 trying to buy an asset.

10 And they are depleting the asset value.
11 That's happening. You're trying to raise
12 capital. You know, what really is the --
13 it's like a moving target. I would say
14 you're trying to aim at a moving target and
15 that target keeps changing.

16 It's not one target, but the target
17 keeps changing. It could -- the target could
18 change, so yeah. Just the nature of this
19 whole deal, it was chaotic.

20 Q. So very, very difficult time?

21 A. Yes.

22 Q. Very, very stressful?

23 A. Yes.

24 Q. A lot of information floating
25 around?

1 A. Dahiya

2 A. Yes.

3 (Whereupon, at this time, an
4 exhibit was displayed via Zoom.)

5 (Whereupon, at this time, a
6 document was marked as Plaintiff's
7 Exhibit 5, as of this date.)

8 Q. I'm showing you another document.
9 This document is an email from Abhischek
10 Pathania. I apologize for mispronouncing
11 that name. You are one of the recipients,
12 Avish?

13 A. Yes.

14 Q. I apologize. Is it okay if I call
15 you Avish?

16 A. Yes.

17 Q. You can call me Steve.

18 A. Yes.

19 Q. Thank you. I appreciate that.
20 This was sent to you, an email dated June 10,
21 2023 and it bears Bates number GG 9434. I
22 will give you a moment to read the top email.
23 Let me know when you're done.

24 A. Yes.

25 Q. Do you recognize this email?

1 A. Dahiya

2 A. Yes.

3 Q. What is it?

4 A. This is the access to the data room
5 with that signed NDA.

6 Q. So after you signed the NDA on
7 behalf of Dream On Me, were you and Dream On
8 Me granted access to Go Global's data room?

9 A. Yes.

10 Q. That is separate from the Lazard
11 data room, correct?

12 A. Correct.

13 Q. And you knew that at the time of
14 this email?

15 A. Yes, it was a different -- it was
16 not the same data room, yes.

17 Q. Do you know whether you or anyone
18 else at Dream On Me accessed that data room?

19 A. I know I did.

20 Q. When you accessed the data room,
21 what did you see?

22 A. When I went to the data room I saw
23 a lot of data that was from -- which is
24 buybuy BABY data that we had looked at in the
25 past and -- yeah.

1 A. Dahiya

2 Q. Did you see anything else that you
3 hadn't seen before in the past?

4 A. Yes, there was, what do you call
5 it, a Go Global presentation in that they
6 talked about Go Global and there was a
7 presentation which we had seen in the past
8 which was buybuy BABY'S presentation.

9 Q. Well, I'm asking you if there was
10 any documents that you viewed that you hadn't
11 seen in the past?

12 A. At that time, these were all, the
13 only documents. We had no time to really go
14 through any documents regarding this.

15 I think what was the financial need of
16 theirs was one document, and that was the
17 conversation we were having, and then the
18 presentation. Those were the only four
19 documents.

20 Q. When you are talking about the
21 financial need, are you referring to, I'm
22 going to be a little bit general about it,
23 but the Go Global financial LRP model?

24 A. Yes, you can say that and the
25 so-called Go Global LRP model was the baby

1 A. Dahiya

2 LRP model. It's a derivative of that model
3 that we were already looking.

4 Q. When you say it was a derivative of
5 the baby model --

6 A. Because we had the data that we had
7 looked at from the Lazard data room and
8 they're modeling on that for the funding part
9 of it.

10 Q. So they had taken the Lazard data
11 and manipulated it in some way in their
12 document?

13 A. Yes, something like that, yeah.
14 That's the first realization that okay, fine,
15 this is the data they have.

16 Q. Had you seen that before?

17 A. No. I had seen it before in the
18 sense because I have seen that baby model,
19 but I could see that there was
20 differentiation in what they were trying to
21 do for the raising of the capital.

22 Q. What could you see in terms of that
23 differentiation?

24 A. They were trying to show that so
25 much funding is required, so much funding we

1 A. Dahiya
2 are funding. You know, we are going to
3 put -- they had -- I think that they didn't
4 define whose coming in, but I think it was
5 Sparrow. We need X, Y, Z capital. These are
6 the players where we need to get the capital.
7 We're going to invest [REDACTED] to [REDACTED].
8 That's what that data talked about, yes.

9 Q. And is it your understanding that
10 data was based on -- is it your understanding
11 that was based on data in the Lazard data
12 room?

13 A. They had to derive it out of that
14 data.

15 Q. That information itself wasn't in
16 the Lazard data room?

17 A. Yes, that specifically wasn't --
18 yes.

19 Q. Your understanding was that that
20 was Go Global's work, right?

21 A. Yes. They asking for funding was
22 their work, correct.

23 Q. At this time on June 10 when you're
24 viewing the data room, had Dream On Me done a
25 similar analysis?

1 A. Dahiya

2 A. No, because we are looking at the
3 same model as an assumption of capital need
4 and how to target the asset was completely
5 different than the approach that they were
6 taking.

7 Q. Had Dream On Me at this time
8 developed a document with similar analysis to
9 the one that you were looking at with regard
10 to Go Global's LRP model?

11 A. No, we didn't have a professional
12 model like that to say.

13 Q. Okay.

14 A. Mark was working on his side so he
15 was working with his numbers, whatever he was
16 doing.

17 Q. What did you do when you first got
18 access to the data, to the Go Global data
19 room?

20 A. Yeah, I took a copy of that and I
21 sent out the model and the presentation to
22 the group, which is Milan, Mark and Amit.

23 Q. Did you download the contents of
24 the Go Global data room to --

25 A. Yes.

1 A. Dahiya

2 Q. -- your computer?

3 A. Yes.

4 Q. Did you save those contents?

5 A. Yes.

6 Q. You circulated it among Dream On
7 Me's personnel, is that right?

8 A. Yes, only to three people who were
9 part of this process.

10 Q. Do you recall testifying about a
11 June 12 in-person meeting between Dream On Me
12 and Go Global?

13 A. Yes.

14 Q. Did you attend that meeting?

15 A. Yes.

16 Q. Do you know who else attended that
17 meeting?

18 A. Lazard team -- not Lazard, sorry,
19 Go Global team, there were three members. I
20 think Christian was there, their CFO and a
21 lady by the name of Deborah. And there was
22 another person from Ankura. What was her
23 name?

24 Q. Was it Kathleen Louster?

25 A. Yes, you're right. And then there

1 A. Dahiya

2 was Mike Bristol.

3 Q. Were you just referring to the
4 notes we discussed earlier to see that --

5 A. Yes.

6 Q. Just checking. Leading up to that
7 dinner, after you had scheduled that dinner,
8 but before the dinner had happened, what was
9 your expectation about what would be
10 discussed at that dinner?

11 A. I think the key element was numbers
12 don't mean anything, it's the chemistry,
13 meeting of people that's more important.

14 That's as to Mark. That's how he has
15 done business. For him, it was very
16 important to see who are the people behind
17 the people that we are talking about, so that
18 was the key part of the meeting.

19 Like let's meet. Let's see who are
20 these people are and let's talk. That's what
21 was very important in Mark's view.

22 Q. So was this meeting very much
23 introductory, getting to know each other,
24 seeing if there was chemistry between the
25 parties?

1 A. Dahiya

2 A. Correct.

3 Q. How do you think the meeting went?

4 A. It's a first meeting. I think the
5 conversations was all about the process, you
6 know, everybody had challenges of trying to
7 do whatever we are trying to do.

8 And Ankura, which was there, which was
9 trying -- I don't remember, but I feel they
10 were trying to bring the urgency again to the
11 table that they needed something quickly from
12 Mark.

13 I don't have the details, but it was a
14 funding finance agreement signed that they
15 can submit with the deal. It was like too
16 much from the first meeting point of view, of
17 course, greet, meet, but there was a strong
18 need to move forward fast. And that we were
19 in these deadlines. That was one of the
20 conversations, yes.

21 Q. And again, the need to move fast
22 was because of the deadlines for the
23 bankruptcy auction, right?

24 A. Yes. And we told them, you know,
25 our thing, we will just ask for more time.

1 A. Dahiya

2 Like we -- this can't be happening. We are
3 to get -- our ask was let's get two weeks,
4 right, a bandwidth of two weeks together.
5 That nobody needs to tell us that we need to
6 do this.

7 That's what we were telling them, let's
8 just ask them, this is not doable. It's a
9 moving target. You can't do it.

10 Q. What did you think of the Go Global
11 team after the June 12 meeting?

12 A. Skeptical. We didn't have -- we
13 came to know that there were other members
14 in the Global universe that we had to meet
15 and should meet. That was one.

16 The second is I don't think we got the
17 pulse, the very speed at which this had to be
18 happened, we didn't get the pulse that even
19 they knew what they were doing or they were
20 in a position to pull this off.

21 Q. Were you interested -- keep going.
22 I didn't mean too interrupt you.

23 A. Yes, sorry. That was my ending.

24 Q. Were you interested in further
25 discussions with Go Global following this

1 A. Dahiya

2 June 12 meeting?

3 A. I don't know how we left it at. We
4 said we'll get back kind of situation. Then
5 hey, let's meet everyone and come to our
6 office. That's what finally happened. And
7 an invitation to, what was his name, Jeff.

8 Q. Jeff Streader?

9 A. Yes. Invitation for him to come
10 over and meet in-person and let's talk
11 further in a shorter time for a dinner to
12 make a decision on a [REDACTED] or [REDACTED]
13 investment and not knowing really what we are
14 doing.

15 Q. Did you speak with Mark about the
16 June 12 meeting after it happened?

17 A. I believe so. After the dinner,
18 yes, we had some conversation. Even I was
19 not very confident.

20 I think we were just testing, what do
21 you mean, what do you think. Maybe Jack was
22 there too. What do you feel. We all were
23 not feeling very confident.

24 Q. You're not feeling very confident,
25 that's your testimony?

1 A. Dahiya

2 A. Yes.

3 Q. You said you were skeptical, right?

4 A. Yes.

5 Q. But you still wanted to hear more,
6 is that fair?

7 A. No. The idea was one, that not all
8 the players were there so we should have all
9 the partners in. That's one thing. That if
10 you have to, okay, but it's too short a time.

11 This could have been with anyone. It's
12 too short a time, too fast. Are we trying to
13 judge this too fast, right?

14 Q. Right.

15 A. We just met. It was just a typical
16 business that hey, it's not adding up. It's
17 like you're not getting the feel that they
18 know enough about the business, whatever that
19 was like. It definitely meant another
20 meeting.

21 Q. Did you tell Mark that you didn't
22 like Go Global after this meeting?

23 A. Skeptical would be the word.

24 Q. You didn't say I don't like them?

25 A. How should I put it? I don't like

1 A. Dahiya

2 them? You can't trust them, yeah. The other
3 word was I can't trust.

4 Q. Sorry, I am -- I don't understand
5 your response.

6 A. I would say can't trust them.

7 Q. Why do you think that?

8 A. Again, too fast. And I don't --
9 just the dynamics, the people in the play.
10 Yes, just the nature of this whole process
11 that you can't just do it blind, whatever.

12 Q. But again, and that was driven by
13 the fact, at least in part, that the
14 scheduling was very compressed, is that
15 right?

16 A. Part of the problem.

17 Q. Were there other reasons that you
18 didn't trust Go Global?

19 A. Just many things. Like it's too
20 short a time. So okay, you're struggling to
21 brand this and now you have to work with a
22 partner to do a joint brand with a limited
23 time to really understand two partners.
24 You're complicating this to four-X.

25 Q. I understand that. I understand

1 A. Dahiya

2 the piece where it's a compressed time frame,
3 you're tracking to get to know these people.
4 I understand that piece.

5 I want to know if there's another reason
6 why you thought that you couldn't trust Go
7 Global other than the compressed timeline?

8 A. Yes, their financial ability was in
9 question, whether they can -- whether they do
10 have the funds and whether they can pull this
11 off, yes.

12 Q. Before you had access to the Go
13 Global data room, did you know what their
14 financial position was?

15 A. No.

16 Q. You knew after you got access to
17 the Go Global data room?

18 A. Yes, whatever was there.

19 Q. Okay.

20 A. We looked at it, yeah.

21 Q. Did you know the financial position
22 of any other potential bidder in this
23 auction?

24 A. When you say financial position of
25 others, in what sense? Their ability to do

1 A. Dahiya

2 the job?

3 Q. Let me clarify. You testified that
4 one reason you felt skeptical or you couldn't
5 trust Go Global was because of the financial
6 position that you reviewed in the documents
7 they provided you in their data room, is that
8 accurate? That's one reason, is that
9 accurate?

10 A. Yes. I mean the conversation where
11 we are talking about, the 12th of June
12 meeting, and that conversation didn't
13 deliver, right, and didn't solve that
14 problem, yes.

15 Q. So I want to know, you got that
16 information from Go Global. Did you get that
17 kind of information from any other potential
18 bidder in relation to the BBBY bankruptcy
19 auction?

20 A. No, but it means whether we know --
21 it doesn't mean that somebody gives us an
22 Excel and that is the financial ability of
23 someone, no. That's not how financial
24 ability comes. It comes from what have they
25 done, where they are in the business. So

1 A. Dahiya
2 when we talking about Bed, Bath & Beyond with
3 other partners to partner, we knew those
4 guys. Right, \$300 million company, \$500
5 million, a billion dollar company, right.
6 They're coming in, hey, let's work together.
7 Yes, if you ask me do they have financial
8 ability? I would have said yes.

9 Here we didn't have enough. We don't
10 know what their current financial whereabouts
11 was, where they were, no data.

12 (Whereupon, at this time, an
13 exhibit was displayed via Zoom.)

14 MR. BERLOWITZ: I'm displaying an
15 email to you now. This email is from
16 Mark Srour to Milan Gandhi, Jack Srour
17 and Avish Dahiya. It is dated June 13.
18 The subject is BBBY investment. And it
19 bears Bates number beginning with DOM
20 2770.

21 (Whereupon, at this time, a
22 document was marked as Plaintiff's
23 Exhibit 6, as of this date.)

24 Q. This is a two page email and I will
25 give you a moment to read the first page.

1 A. Dahiya

2 Let me know when you are finished and I will
3 scroll down to the second page.

4 (Whereupon, at this time, there was
5 a pause in the proceeding.)

6 A. Okay.

7 Q. This is the second page. Let me
8 know when you're finished reading.

9 (Whereupon, at this time, there was
10 a pause in the proceeding.)

11 A. Okay.

12 Q. I realize this represents -- the
13 top email is from Mark. I'm interested in
14 the email that's below that that's from Milan
15 dated June 13 sent to Mark and you are cc'd
16 on this.

17 A. Yes.

18 Q. The first sentence says,
19 "Yesterday's dinner was necessary to
20 understand views and ask of both parties and
21 here are my views." Do you see that
22 sentence?

23 A. Correct, I do.

24 Q. And the yesterday dinner, is that
25 in reference to the June 12 meeting?

1 A. Dahiya

2 A. Yes. This is dated the 13th so
3 yesterday would be the 12th, yes.

4 Q. The next paragraph, the first
5 sentence you write, "Investment opportunity,
6 this is a once in a lifetime --"

7 MR. MURPHY: Objection. He didn't
8 write this.

9 MR. BERLOWITZ: Thank you.

10 Q. Milan writes, "Investment
11 opportunity. This is a once in a lifetime
12 opportunity to be one of the owners of such
13 an iconic retail brand." Do you see that
14 sentence?

15 A. Yes.

16 Q. Do you see that sentence?

17 A. Yes.

18 Q. Do you agree with that sentence?

19 A. Yes.

20 Q. At the bottom of the page, the last
21 sentence, "If we do not participate, there is
22 a risk that one of our competitors may join
23 and we lose." Do you see that sentence?

24 A. Yes.

25 Q. Do you agree with that sentence?

1 A. Dahiya

2 A. No.

3 Q. Why not?

4 A. Such a complex transaction, moving
5 target, so many variables, my viewpoint would
6 be, God knows. It's Milan's viewpoint
7 probably.

8 Q. That's fair. This is Milan's
9 viewpoint. It's his email.

10 One more sentence I want to read to you,
11 the last sentence in this paragraph here that
12 begins with technology, "Technology, funding,
13 supply chain and Human capital functions,
14 they're all inherent risks and we will be
15 going into uncharted terrain, but Newco
16 management working collectively as a team and
17 collaborated nicely, BBY can again be go-to
18 place for U.S. consumers." Do you see that
19 sentence?

20 A. Yes.

21 Q. The part where Milan says we will
22 be going into uncharted terrain, do you see
23 that?

24 A. Yes.

25 Q. Do you agree with that?

1 A. Dahiya

2 A. How do I -- I don't know what he
3 is -- what is the context he's alluding to,
4 but I would say every business is
5 unchartered. Even restarting the same damn
6 business, it's unchartered, same
7 difficulties. This is 101.

8 You have to solve technology. You have
9 supply chain problem, the funding problem.
10 These are basic fundamentals of running any
11 new company.

12 I don't know what's unchartered. It
13 means whoever, whether it's us, it's
14 unchartered. If somebody says otherwise, who
15 knows. Nobody is an expert.

16 (Whereupon, at this time, an
17 exhibit was displayed via Zoom.)

18 Q. I'm now displaying a different
19 email to you. It's sent from you to Scott
20 Englander. It cc's Mark. It's dated
21 June 16. 3032 Bates number. Do you see
22 this.

23 (Whereupon, at this time, a
24 document was marked as Plaintiff's
25 Exhibit 7, as of this date.)

1 A. Dahiya

2 Q. Do you see this email?

3 A. Yes.

4 Q. Do you recognize this email?

5 A. Now I do. It's Friday the 16th.

6 Q. The first sentence or I guess the
7 second sentence you write, "The window of
8 opportunity is short, but with huge upscale."
9 Do you see that sentence?

10 A. Yes.

11 Q. What did you mean by the window of
12 opportunity is short?

13 A. This could be with reference to
14 same, that there's a time stamp to anything
15 that we are trying to do.

16 Q. What did you mean by huge upscale?

17 A. Huge upscale in the sense that the
18 brand has a huge potential, right. That's
19 the message in there.

20 Q. Is it fair to say that Dream On Me
21 was extremely excited about potentially
22 winning a bid for BBY's assets?

23 A. Yes, that's been there since '21.

24 Q. Below this email you can see on
25 June 16 at 8:04 a.m., Mark is writing,

1 A. Dahiya

2 "Scott, we are running out of time." Do you
3 see that?

4 A. Yes.

5 Q. You do see that?

6 A. Yes.

7 Q. And that's just reflective of what
8 we discussed before with regard to the fact
9 that the timeline on the bid was extremely
10 compressed. Does that seem fair?

11 A. Yes, this -- this has been the case
12 since day one.

13 Q. The email at the very bottom that
14 is sent by Scott Englander says, "Just so you
15 are aware, Yussy was oversees the last two
16 weeks. He says he will review the materials
17 over the weekend and will call you on
18 Monday." Do you see that sentence or those
19 two sentences?

20 A. Yes, I do.

21 Q. And do you see where he says he
22 will review the materials over the weekend?

23 A. Uh-hum.

24 Q. Is that a yes?

25 A. Yes.

1 A. Dahiya

2 Q. Do you know what materials Scott is
3 referring to in this email?

4 A. From this, I don't remember.

5 Q. Do you know who Scott Englander is?

6 A. One of Mark's partners.

7 Q. Are you guessing?

8 A. I assuming he is -- Scott is his
9 partner in real estate.

10 Q. Do you know if Scott Englander
11 works for Dream On Me?

12 A. No.

13 Q. No, you don't know or no, he does
14 not work there?

15 A. He does not work there.

16 Q. Do you know if Scott Englander
17 received Go Global's model?

18 A. I don't know.

19 Q. You don't know --

20 A. I don't know whether -- what he
21 got.

22 (Whereupon, at this time, an
23 exhibit was displayed via Zoom.)

24 Q. I'm displaying another document to
25 you. The top email is from Mark dated

1 A. Dahiya

2 June 14. It is to Charles DOM, but the email
3 below that I see is drafted by you to Mark
4 and Milan dated June 11th. Do you see that?

5 A. Uh-hum. Yes.

6 (Whereupon, at this time, a
7 document was marked as Plaintiff's
8 Exhibit 8, as of this date.)

9 Q. The email is Bates stamped DOM
10 2943. You write in this email, "Attached is
11 the investment presentation by Go Global on
12 BBB and the financial model." Do you see
13 that?

14 A. Yes.

15 Q. Do you see the next sentence that
16 says they are bidding [REDACTED], expect
17 another [REDACTED]'s working capital to run
18 the business with [REDACTED] plus stores. Do you see
19 that?

20 A. Yes, as per the data, yes.

21 Q. Did you know before you got access
22 to Go Global's data room that they were going
23 to be bidding [REDACTED]?

24 A. No.

25 Q. Did you know that they were going

1 A. Dahiya

2 to be bidding [REDACTED] before you signed
3 the NDA?

4 A. No.

5 Q. Did you know that they would expect
6 another [REDACTED] as working capital before
7 you got access to the Go Global data room?

8 A. No.

9 Q. Did you know this before you signed
10 the NDA?

11 A. No.

12 Q. Below there's a graphic. There's a
13 piece, I don't know -- I want you to tell me
14 a little bit about this. Where did you get
15 this graphic?

16 A. This is the only piece that I could
17 figure it out that hey, this is something
18 that concerns Mark because if he's planning
19 to partner, then that's what that looks like.

20 So this was -- that caption, Mark
21 doesn't read his emails, and my thing was
22 okay, here it is, this is what you can --
23 they have said family office. You could be a
24 family office here, that they are thinking of
25 investing, wanting you to invest.

1 A. Dahiya

2 This was a more telling them that hey,
3 this is what their investment requirement is.

4 Q. My question is, where did you get
5 this graphic?

6 A. Should be from one of the Excels.

7 Q. From the Go Global model?

8 A. Yes, one of their Excels.

9 Q. Did you have this information that
10 is contained in this graphic before you
11 signed the NDA?

12 A. No, we didn't.

13 Q. Did you have this information
14 before you accessed and downloaded the
15 documents in the Go Global data room?

16 A. No, we didn't.

17 Q. Is this information contained in Go
18 Global's LRP financial model, if you know?

19 A. Yes, could be.

20 Q. Okay.

21 A. They have their investment, what
22 they were asking, seeking that data, yes.

23 (Whereupon, at this time, a
24 document was marked as Plaintiff's
25 Exhibit 9, as of this date.)

1 A. Dahiya

2 Q. I'm sharing another email with you.
3 This email is from Mark to Michael Tennyson
4 and Gary Mason. It is dated June 14. It
5 bears Bates number DOM 2969.

6 MR. MURPHY: Are we marking these
7 in sequential numbers?

8 MR. BERLOWITZ: Yes.

9 Q. I realize you are not on the top
10 email, but you did write the bottom portion
11 of this email and this bottom portion is what
12 we just reviewed, is that right?

13 A. Correct.

14 Q. And at the top you can see that
15 Mark is forwarding your email to Michael
16 Tennyson, is that right?

17 A. That's what it shows.

18 Q. He's forwarding it to Gary Mason,
19 is that right?

20 A. Yes.

21 Q. Michael Tennyson is not a Dream On
22 Me employee, is that right?

23 A. No.

24 Q. He doesn't own Dream On Me either,
25 is that right?

1 A. Dahiya

2 A. I don't have that information.

3 Q. You don't know whether Michael --
4 that's fine.

5 A. That's inside information. That's
6 a Mark question.

7 Q. That's fair. Do you know if Gary
8 Mason works for Dream On Me?

9 A. No.

10 Q. No, you don't know or no, he
11 doesn't?

12 A. No, he doesn't.

13 Q. This email contains an attachment,
14 a couple of attachments, one of which is the
15 1.6.1 Go Global baby LRP model, version 9.8
16 updated 6.7 version 2. Do you see that?

17 A. Yes.

18 Q. Is it fair to say that Mark is
19 sending here the Go Global model to people
20 who do not work for Dream On Me?

21 A. Yes.

22 Q. Did you ever become aware that Mark
23 had sent the GG model to people who did not
24 work for Dream On Me?

25 A. He may have sent the model to his

1 A. Dahiya

2 investors to get their -- this is what --
3 this is -- when is it dated? Probably he's
4 getting their -- I don't know what his intent
5 was. Maybe getting their input, what do you
6 think, is it worth investing or do you guys
7 want to invest. I don't know the purpose,
8 but yeah.

9 Q. My question is, did you become
10 aware at a certain time that Mark had done
11 this? The date was June 14.

12 A. It means to this email?

13 Q. Either.

14 A. Are you asking in general?

15 Q. In general.

16 A. Yes, I'm aware. I don't remember
17 again, specifically, but if it was previous,
18 and it is going beyond, I would have told him
19 that hey, we can just share the Lazard versus
20 this, it's -- I would have told him that.

21 Q. Do you know whether you became
22 aware that Mark had circulated Go Global's
23 model to people who did not work for Dream On
24 Me?

25 A. I don't remember.

1 A. Dahiya

2 Q. Can you approximate?

3 A. Should be around this time, June,
4 July, maybe whatever.

5 Q. Okay.

6 A. I have -- till I really look at
7 specifics to figure out and then think it
8 through, yeah.

9 Q. There did become a time when you
10 learned this information, is that right?

11 A. Yes.

12 Q. When you learned that Mark had sent
13 Go Global's model to people who did not work
14 for Dream On Me, did you talk to Mark?

15 A. I don't remember. If something has
16 happened, I would have -- I would have spoken
17 or emailed or something, even my opinion. I
18 don't know in what context now or this is
19 generally I would -- my mind would do that.
20 I don't know when --

21 Q. Okay. It's okay if you don't
22 remember.

23 MR. MURPHY: Don't guess. Just say
24 what you know.

25 A. Yeah, I don't know.

1 A. Dahiya

2 Q. Seeing this email now, if you
3 learned that Mark had disclosed Go Global's
4 financial model to someone who did not work
5 from Dream On Me, would you have spoken to
6 him about it?

7 A. My understanding with this would be
8 if these people are his associates or
9 partners or whatever, then he has the ability
10 to share at this moment if this is the 14th.
11 I don't know. He is seeking funding for a
12 project or getting their opinion, I don't
13 know.

14 Q. Did you ever tell Mark not to share
15 the GG's model outside of Dream On Me
16 employees or agents?

17 A. I don't believe it was shared with
18 anyone else. He may have -- whether I
19 remember what I told him or not, again I
20 don't know. I don't remember.

21 Q. Okay.

22 (Whereupon, at this time, a
23 document was marked as Plaintiff's
24 Exhibit 10, as of this date.)

25 Q. I'm now displaying an email sent by

1 A. Dahiya

2 Avish to Mark and Milan. It is dated
3 June 14. The subject is Go Global BBB
4 document link.

5 A. Yes.

6 Q. It contains a number of attachments
7 including the GG baby LRP model version 9.
8 And it bears Bates number DOM 2800. Do you
9 see this document, Avish?

10 A. Yes.

11 Q. You wrote this email, is that
12 right?

13 A. Yes.

14 Q. There's no content to this email
15 other than a Dropbox link, is that right?

16 A. Correct.

17 Q. Does Dream On Me use Dropbox?

18 A. Yes, we do.

19 Q. Does it use it to store documents?

20 A. Yes.

21 Q. Does it use Dropbox to share
22 documents?

23 A. Yes.

24 Q. Does it use any other platform to
25 store and/or share documents?

1 A. Dahiya

2 A. Again, this may be a Steve
3 question, but from what I know, we do Google.
4 We use Google Share and we use Dropbox.

5 Q. In this instance, it appears that
6 you're using Dropbox, is that fair?

7 A. Yes.

8 Q. Did you use Dropbox in relation to
9 the potential bid you were developing for
10 BBY's assets?

11 A. No, this was just letting them know
12 that, the data is here.

13 Q. No. No, I'm asking whether Dream
14 On Me used Dropbox to store and share
15 documents in relation to its bid for BBY's
16 assets?

17 A. Yes, we had Lazard data in Dropbox.

18 Q. Did you put other data in the
19 Dropbox?

20 A. Yes, Lazard data was there. This
21 was there and if there was any other working
22 docs, yes.

23 Q. Did you put Go Global's model in
24 the Dropbox?

25 A. Yes, it was there. That's what I'm

1 A. Dahiya

2 sharing.

3 Q. Are you aware whether the documents
4 contained in this Dropbox had been produced
5 in this action?

6 A. Is that question to me?

7 Q. Yes.

8 A. Can you ask again.

9 Q. Sure. Do you know whether the
10 documents stored on the Dropbox had been
11 produced in this action?

12 A. I believe so. They have access
13 from our legal team.

14 Q. What other documents did you store
15 on the Dropbox other than Go Global's model
16 and the Lazard data?

17 A. Anything else that we were working
18 on. These are the two main directories so I
19 would have added data too because Lazard was
20 getting updated frequently with whatever we
21 asked them and they were getting updated so
22 we would know the data would come. They
23 wouldn't give it to us and then they send us
24 an email, but guess what, it gets updated
25 instantly to Lazard's data base. Whoever

1 A. Dahiya

2 asked what was happening, that that was the
3 working -- a lot of the working docs were
4 coming like that.

5 (Whereupon, at this time, an
6 exhibit was displayed via Zoom.)

7 (Whereupon, at this time, a
8 document was marked as Plaintiff's
9 Exhibit 11, as of this date.)

10 Q. I'm sharing another document. This
11 is an email you wrote on June 19. You sent
12 it to Jacob Sod and Scott Englander. Milan
13 Gandhi and Mark Srouer cc'd. Subject is
14 buybuy BABY. It Bates number DOM 10868.

15 In this email you're providing a link to
16 the Dream On Me Dropbox, is that right?

17 A. Yes.

18 Q. And you're sending that link to
19 Jacob Sod, is that right?

20 A. Correct.

21 Q. Is Jacob Sod a Dream On Me
22 employee?

23 A. No.

24 Q. You're also sending this email to
25 Scott Englander. Is Scott Englander a Dream

1 A. Dahiya

2 On Me employee?

3 A. No.

4 Q. At this time did your Dropbox
5 contain the Go Global model?

6 A. Yes.

7 Q. There is an email from Scott at the
8 very bottom. It says here is the chain and I
9 see that there's nothing here. Do you
10 remember what was here?

11 A. I don't remember. I don't remember
12 this email. Can you go up.

13 Q. Yes.

14 (Whereupon, at this time, the
15 attorney scrolled through the exhibit as
16 requested.)

17 A. Also just to add that if you're
18 sharing a Dropbox, they don't have -- people
19 won't have access to everything in the
20 Dropbox.

21 Q. Did you restrict access in the
22 Dropbox?

23 A. Yeah.

24 Q. Did you?

25 A. Yes.

1 A. Dahiya

2 Q. Did you prevent Jacob Sod or Scott
3 Englander from viewing the Go Global model?

4 A. Yes.

5 Q. You specifically did that?

6 A. Yes, this -- this is the reason we
7 are -- I'm now looking at it, the reason I'm
8 saying it, he's accessing Lazard. It's
9 important that he gets the Lazard approval.

10 Q. Who else would have known that you
11 restricted access to Go Global's documents in
12 the Dream On Me data room?

13 A. Nobody else would.

14 Q. Just you?

15 A. Yes. I mean if I'm sending the
16 link then I'm -- you cannot go anywhere else
17 apart from what I'm asking you to see.
18 That's it. It's only that. It's only that
19 history to review.

20 Q. So the other documents I believe
21 you testified that were in this Dropbox were
22 the Lazard data, is that right?

23 A. Yes.

24 Q. Was there a reason that Jacob Sod
25 or Scott Englander couldn't access the Lazard

1 A. Dahiya

2 data room?

3 A. No, not possible.

4 Q. What do you mean by not possible?

5 A. I mean if I am not sending them,
6 then they don't have the data.

7 Q. Okay.

8 MR. BERLOWITZ: Tom, I think I may
9 have made this request yesterday, I'll
10 re-up it, to the extent that there is an
11 email chain contained below here's the
12 chain, I'm asking for the production of
13 the native or whatever you can provide
14 me to demonstrate what is -- what I
15 think is additional content appendage to
16 this email.

17 MR. MURPHY: All right.

18 MR. BERLOWITZ: Thank you.

19 Q. I'm showing you a different email.
20 The top email is from Mark. It is to Scott
21 Englander. Avish was cc'd. This email bears
22 Bates number DOM 3039.

23 (Whereupon, at this time, an
24 exhibit was displayed via Zoom.)

25 (Whereupon, at this time, a

1 A. Dahiya

2 document was marked as Plaintiff's
3 Exhibit 12, as of this date.)

4 Q. I believe you testified you know
5 Scott Englander, is that right?

6 A. He's Mark's partner or his real
7 estate partner. That's -- I don't know Scott
8 any more than that.

9 Q. In this email Mark is saying let's
10 schedule a call for Sunday, is that accurate?

11 A. That's what this email says, yes.

12 Q. Did you participate in that call?

13 A. If that call happened, most likely
14 yes.

15 Q. Do you remember that call?

16 A. There were too many calls. You
17 know, there must have been at times ten, 12
18 calls. It's very difficult to really
19 pinpoint a call.

20 Q. Do you recall speaking to Scott
21 Englander?

22 A. I'm sure I may have spoken to him.

23 Q. Do you recall speaking to Scott
24 Englander about Go Global's model?

25 A. I doubt -- highly doubt we

1 A. Dahiya

2 specifically talked about anything to do with
3 Go Global.

4 Q. I'm not asking for your
5 speculation. I want to know whether, you
6 know, if you did.

7 A. I don't know.

8 Q. You don't know?

9 MR. MURPHY: Don't speculate,
10 Avish.

11 THE WITNESS: Yes.

12 A. I read this.

13 MR. BERLOWITZ: We're 12:50 right
14 now. I think it's probably a good time
15 to break for lunch if that's okay with
16 you.

17 MR. MURPHY: Yes.

18 MR. BERLOWITZ: How much time do
19 you want? Do you want to come back at
20 one?

21 MR. MURPHY: In ten minutes?

22 MR. BERLOWITZ: Two.

23 MR. MURPHY: How are you doing
24 time-wise? We can do 1:30 if you think
25 that would help move it along.

1 A. Dahiya

2 MR. BERLOWITZ: I don't think I
3 have more to do. I don't think I have a
4 ton more to do.

5 MR. MURPHY: Okay. If you think
6 you're kind of on track to get through
7 this, I'm fine with two.

8 THE WITNESS: Works for me.

9 MR. BERLOWITZ: Let's come back at
10 two.

11 (Whereupon, at this time, there was
12 a luncheon recess.)

13 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

14 CONTINUED EXAMINATION

15 BY STEVEN BERLOWITZ, ESQ.:

16 Q. Avish, do you recall an in-person
17 meeting that was held on June 15 between
18 Dream On Me and Go Global?

19 A. Yes.

20 Q. And are you aware whether that
21 meeting was recorded?

22 A. Not at that time. It was -- I
23 think it was -- yes, probably during the
24 meeting, if I'm not wrong. Probably --
25 sometime in the meeting.

1 A. Dahiya

2 Q. Were you aware during the meeting
3 that the meeting was being recorded?

4 A. Yes, I think so. At the point
5 where we had a break out, that's the point.

6 Q. Okay.

7 A. Yes.

8 Q. How did you become aware that the
9 meeting was being recorded?

10 A. I believe I was -- we were trying
11 to resolve the discrepancy, so I was working
12 with Christian trying to figure out the
13 numbers, that there was a big problem with
14 them investing/not investing.

15 And then I happened to go out because no
16 one else was there and I believe Milan was
17 only there or something and I went out.

18 And then I saw Mark and, what's his
19 name, Jack were looking into the video. And
20 I must have been there for a few minutes. It
21 didn't make -- It didn't make any value to
22 me, right.

23 I think I went back in, if I'm not
24 wrong, to speak to Christian or Milan was
25 still there, something, so it was during that

1 A. Dahiya

2 time, yes.

3 Q. Did you watch a live feed of the
4 video when you were with Jack and Milan?

5 A. Yes, well -- Milan, I don't know
6 whether he was there.

7 Q. Sorry, with Jack and Mark?

8 A. There was Milan in the room when
9 they were watching that so like, okay, you
10 know, we have a bigger problem because I
11 wanted to update them on the numbers. That
12 was my purpose.

13 Q. Do you know if anyone from Dream On
14 Me told Go Global or the Ankura
15 representatives that the meeting was being
16 recorded?

17 A. I don't believe so because this was
18 a new facility, right. It's a -- I haven't
19 moved into that facility. So it's a new
20 facility.

21 We know that we have surveillance, but
22 didn't know whether we were being recorded or
23 otherwise.

24 Q. After the meeting concluded, did
25 you tell Go Global or Ankura that Dream On Me

1 A. Dahiya

2 had recorded the meeting?

3 A. No, we didn't. I don't know if
4 somebody did, but I never had any
5 conversation.

6 Q. You're not aware of anyone else who
7 did tell Go Global or Ankura that Dream On Me
8 recorded the meeting?

9 A. I don't know.

10 Q. Do you know if you watched the
11 recording of the meeting after the meeting
12 was held?

13 A. I was sent a link in October,
14 September or October when they got notice
15 from Go Global. Mark had sent me an email
16 asking me to check the video.

17 Q. Why did he want you to check the
18 video, did he tell you?

19 A. No. I think so he forwarded that
20 video, the context was that they were suing
21 us and, you know, what happened, you know.

22 Q. How did the meeting go on June 15?

23 A. It was interesting dynamics. Of
24 course, Jeff couldn't make it. He had, I
25 think, some board meeting or something or he

1 A. Dahiya

2 couldn't come, but he was there for the
3 entire meeting on video.

4 There was another gentleman who was with
5 him who was on the video. And then we had
6 the rest of the team on our side. We had, of
7 course, Milan, me, Mark.

8 The meeting was -- if I had to put it in
9 short, the meeting was one-sided trying to
10 say that they have -- they have the expertise
11 to operate and the other side thinks that we
12 don't -- the other side saying it's not
13 making sense if you're not participating as a
14 partner.

15 Q. What do you mean by -- finish your
16 answer. I didn't mean to interrupt.

17 A. Sorry, go ahead. Sorry.

18 Q. What do you mean by participate as
19 a partner? Can you expand on that, please?

20 A. Participate as a partner is that we
21 have to have an equal say in the business and
22 equal participation in the business.

23 Q. Was Go Global, I'm speaking
24 generally now, but you can correct me, was Go
25 Global's proposal that Go Global would be the

1 A. Dahiya

2 general partner and run the day-to-day
3 business if Dream On Me and Go Global won the
4 joint bid? Do you know that?

5 A. Yes. They wanted to be an
6 operating partner, correct.

7 Q. How did DOM view that proposal?

8 A. So, there were a few challenges
9 even before the meeting or during the meeting
10 that was coming out very clearly.

11 One misalignment with them investing/not
12 investing was a big piece that came out.
13 Because I spent a lot of time trying to
14 figure out why. So I know that well.

15 15, 20 went to zero. What the heck
16 happened. Second was then nothing else
17 changes like in the dynamics of the
18 business.

19 Another thing what we couldn't wrap
20 around was that Go Global was trying to tell
21 us that we do not have the capability of
22 running a business, right. That they have
23 the expertise. Whereas, you know, when we
24 are looking at the business, we are saying
25 the business comprises of two main

1 A. Dahiya

2 categories. So the entire business is on
3 furniture and gears, which we know very well,
4 right. So 60/70 percent of the business
5 could be that category which is our core
6 categories and knowing what we know, which is
7 how do we increase the margin in the
8 business, because numbers were irrelevant.

9 Numbers couldn't help us because they
10 were a moving target. You can put any
11 number.

12 Also knowing that the entire -- the
13 cohesive, what you call, the intertwining of
14 many departments, how do I figure out whether
15 they have marked those numbers properly
16 within these two divisions, Bed, Bath or
17 buybuy.

18 What we knew is what we knew well. We
19 were very confident that we know the
20 categories. We know the business. We've
21 been in the business for a very long and we
22 have the ability to drive that.

23 And the meeting was kind of one-sided.
24 Go Global trying to tell us that they know
25 better how to operate and we don't know the

1 A. Dahiya

2 business kind of scenario, apart from the
3 investment problem.

4 Q. Do you think that Dream On Me knew
5 better?

6 A. I'm not saying we knew --
7 definitely they don't know what they were
8 claiming. Everybody is trying to land
9 somewhere, you know. It's better to accept
10 that we're going to land somewhere versus
11 saying that we know it all. That's all.

12 Q. But was one of the sticking points
13 for doing a joint bid here that Go Global
14 would be in charge, is that right?

15 A. One of the problems, but the
16 bigger, again, as I said from our Tuesday or
17 Monday meeting, that we were skeptical. And
18 then what I think falls off the cliff is when
19 we realize they were not investing.

20 Q. Do you know if Mark ever said, you
21 know, or complained about not being in charge
22 during that meeting either in front of Go
23 Global or privately after that meeting to
24 you?

25 A. Control or shared control was

1 A. Dahiya

2 important. It was important. Mark always
3 operates that way, especially when you're
4 doing a partnership.

5 Q. Sorry?

6 A. So that's his -- that's where his
7 mind set is, that we're partners.

8 Q. I want to clarify, you said control
9 or shared control was important to Mark, is
10 that right?

11 A. Yes.

12 Q. And Go Global was proposing that
13 Dream On Me wouldn't be in control, correct?

14 A. Correct, without their investment,
15 that they would be the operating partner with
16 control and Dream On Me will not have any say
17 in the operating of the business.

18 Q. When did you become aware that that
19 was part of Go Global's proposal for a
20 potential joint bid with Dream On Me?

21 A. During the meeting somewhere. I
22 think Mark was looking at the numbers and
23 they were looking at numbers and then what
24 they were presenting didn't match.

25 Like it was like a surprise for everyone

1 A. Dahiya

2 because I don't think we were looking at
3 that. We were still talking about
4 capabilities and what this partnership may
5 look like and, you know, we didn't look at
6 numbers. We were just talking at a high
7 level before that got busted and like, you
8 know, these numbers are not matching.

9 Then, of course, we went through the
10 whole process to figure why we have one
11 number, why you guys told us Monday some
12 number and now another number. That's the
13 confusion.

14 Q. How did you leave that meeting with
15 Go Global?

16 A. Not very positive. I think both
17 parties were not happy with the outcome.
18 It's like you end the meeting without ending
19 the meeting. Very upset and whatever it is,
20 we are shocked. Everybody is trying to wield
21 that. That's what I would say.

22 Q. After the meeting ended on June 15,
23 did you and Mark, and possibly other members
24 who participated from Dream On Me, have some
25 sort of postmortem meeting or discussion?

1 A. Dahiya

2 A. I specifically don't remember that,
3 but the conversations it was more like
4 validation that they were not there, right,
5 they were still struggling to figure this
6 out.

7 Q. Do you recall whether you discussed
8 with Mark or anyone else at Dream On Me after
9 this meeting whether Dream On Me would pursue
10 a bid without Go Global?

11 A. I didn't have that conversation on
12 this day, but I don't know what others did.

13 Q. Do you recall whether that
14 conversation was held on another day?

15 A. We were on that path so I don't
16 know whether that conversation -- we were on
17 a path to do something about this asset.
18 That's always been the path.

19 Q. So --

20 A. It's just the partnership didn't
21 happen. We were also trying to do the same,
22 trying to figure it out.

23 Q. Dream On Me was always going to
24 make a bid?

25 A. Yes. We were still trying to

1 A. Dahiya

2 figure this out, yes, how, you know, in this
3 whole confusion. And we just realized they
4 were in the same boat. They didn't know
5 enough.

6 Q. Yes or no, Dream On Me was always
7 going to make a bid with or without Go
8 Global?

9 A. I would say so, yes.

10 Q. I'm showing you an email. It is
11 from Mark to Steve Goodman. Avish you are
12 cc'd. So is Milan. It is dated June 19,
13 2023, DOM 11080.

14 (Whereupon, at this time, a
15 document was marked as Plaintiff's
16 Exhibit 13, as of this date.)

17 (Whereupon, at this time, an
18 exhibit was displayed via Zoom.)

19 Q. The email from Mark says, "Avish
20 send what we have. Don't worry about the
21 DNA." Do you see that?

22 A. Yes.

23 Q. I realize that Mark wrote DNA. Is
24 it your understanding reading this email and
25 the pieces below that Mark meant NDA?

1 A. Dahiya

2 A. Yes, possibly NDA.

3 Q. NDA stands for nondisclosure
4 agreement?

5 A. Yes.

6 Q. Down here on June 19, 2023 at
7 11:37, you can see that Mark is sending an
8 email and he's saying, "Hi Steve. Was nice
9 talking to you. Avish, please forward all
10 information that we have." Do you see that?

11 A. Yes.

12 Q. Did you forward all information
13 that you had?

14 A. I don't know what I sent. I need
15 to see what I sent, but from below that if
16 you see, it looks like that's the Lazard data
17 or the presentation we had.

18 Q. Well, that's the email from Mark in
19 which he's saying Avish, please forward it.
20 You haven't even done that yet at this point,
21 I believe, is that fair to say?

22 A. I have to look at this email. As
23 of now, from whatever I'm saying, did Mark
24 send the PDF? Do you know?

25 Q. I don't know.

1 A. Dahiya

2 A. I don't know what?

3 MR. MURPHY: There's an email from
4 Avish above it.

5 A. Hi Steve, attached -- so this says
6 if we are sending, from what I am reading Hi
7 Steven -- give me a second.

8 (Whereupon, at this time, there was
9 a pause in the proceeding.)

10 A. Yes, looks that I am telling that
11 we need to get a NDA signed with Lazard if
12 you want to share that information, yes,
13 that's what I'm seeing.

14 Q. Right, what I want to focus here is
15 on all information. At this point you had Go
16 Global's financial model, right?

17 A. Yes, agreed.

18 Q. And at this point you had
19 downloaded all the documents from Go Global's
20 data room, is that right?

21 A. Yes.

22 Q. Did you send that information as
23 part of this request from Mark?

24 A. I don't believe so.

25 Q. Okay.

1 A. Dahiya

2 A. It makes no sense.

3 Q. Okay. When Mark said don't worry
4 about the DNA, I think we can agree he meant
5 NDA here. What did you do after he wrote
6 that?

7 A. I don't remember.

8 Q. Did you send the information
9 without getting an NDA?

10 A. I don't remember.

11 Q. Has Mark asked you to send
12 information that is potentially -- that might
13 potentially require an NDA, but without an
14 NDA? Let me rephrase.

15 Has Mark told you to disregard getting
16 an NDA before?

17 A. He understands what an NDA is, you
18 know.

19 Q. Sorry?

20 A. He understands what an NDA means,
21 nondisclosure.

22 Q. I'm asking if Mark has asked you
23 other times to disregard getting an NDA
24 before sending out information?

25 A. I don't remember.

1 A. Dahiya

2 Q. I want to double back to the
3 June 15 meeting real quick.

4 At that point, what due diligence had
5 Dream On Me performed in relation to a
6 potential bid for BBBY assets?

7 A. I believe we had meetings with --
8 we were in touch with Lazard and we were in
9 touch with 6th Street or -- Mark was working
10 in the background in the financials from both
11 investors and nobody really -- if you ask
12 whether we had a bid, we didn't have a bid.
13 We didn't have a -- just because we didn't --
14 we had no way to know when this will conclude
15 because there was too many moving parts. It
16 required funding. It required, as I said, it
17 required all the data points that were in
18 play including stores.

19 When we are saying ongoing or as a going
20 concern, it was extremely hard to say we had
21 a firm bid. We had an idea. We knew we had
22 to do whatever it takes to get the asset.
23 That's the underlying fact.

24 Q. At that point, again, that point
25 was June 15, had Dream On Me created any

1 A. Dahiya

2 independent documents that constituted its
3 due diligence?

4 A. I don't know.

5 Q. You don't know whether Dream On Me
6 had created documents?

7 A. On the bidding side you're saying
8 or on the due diligence?

9 Q. I guess let's do both.

10 A. We had a viewpoint for sure.

11 Q. Did you create any documents at
12 that point that recorded your viewpoint?

13 A. I don't know.

14 (Whereupon, at this time, an
15 exhibit was displayed via Zoom.)

16 (Whereupon, at this time, a
17 document was marked as Plaintiff's
18 Exhibit 14, as of this date.)

19 Q. I'm sharing another email with you.
20 This email is from Patty Wu. It is sent to
21 Brenda Shay and yourself Avish.

22 It is dated June 19, 2023 and the
23 subject is DOM due diligence. And it bears
24 Bates number DOM 10877.

25 Do you recognize this email, Avish?

1 A. Dahiya

2 A. I do.

3 Q. The first line says, and this is
4 from Patty, "Hi Brendan. DOM will be
5 starting the due diligence project." Do you
6 see that sentence?

7 A. Yes.

8 Q. Had DOM started its due diligence
9 project at this point yet?

10 A. No, we were already in the process.

11 Q. On June 19 you were already in the
12 due diligence process?

13 A. Yes.

14 Q. Do you know why Patty is writing
15 DOM will be starting the due diligence
16 process. Sorry, this says project. I want
17 to clarify that.

18 Do you know why Patty is saying DOM will
19 be starting the due diligence project?

20 A. I believe, I had this conversation
21 with Patty, this was a time when we were
22 seeking more involvement with our team and
23 she couldn't give that time to us. So she
24 said she'll send out and ask Lazard to make
25 sure those resources are available to us.

1 A. Dahiya

2 And the problem was in normal due
3 course, that could have happened, but because
4 there was so much taken from these resources
5 over a period of time, that it was very hard
6 for us to -- she kind of reset and said hey,
7 they want this to happen. It's like a
8 permission she's trying to get from them
9 again and saying we are in, we want more
10 interaction and don't stop that.

11 It was a challenging time to get
12 anyone's time. There were so many companies
13 trying to go in.

14 Q. At this point, is it fair to say
15 that DOM was behind on its due diligence?

16 A. We were always behind.

17 Q. You were always behind?

18 A. Yeah. And I don't know if there
19 was anybody who was ahead.

20 Q. Do you know if other potential
21 bidders had done more due diligence than
22 Dream On Me?

23 A. Potentially. We had spoken to a
24 few who went to the data room, spent a week,
25 and they said how they couldn't crack it.

1 A. Dahiya

2 This will take very long time for us to do
3 and exited out.

4 Q. Do you know if Go Global had done
5 more due diligence than DOM at this point on
6 June 19?

7 A. Could have. You know they
8 portrayed that they did. That's how they
9 projected so they could have.

10 It doesn't matter if you did more due
11 diligence or not. Yes, they could have
12 spent more hours trying to decode this.

13 (Whereupon, at this time, an
14 exhibit was displayed via Zoom.)

15 Q. I'm sharing another email with you.
16 This email is from you Avish. It is sent to
17 Mark. It is dated June 23, 2023 and it bears
18 Bates number beginning with DOM 11644.

19 (Whereupon, at this time, a
20 document was marked as Plaintiff's
21 Exhibit 15, as of this date.)

22 Q. The email that you write at the
23 very top reads, "They should not use Go
24 Global data. Scrap that." Do you see that
25 sentence?

1 A. Dahiya

2 A. Yes.

3 Q. Why are you telling Mark not to use
4 Go Global data?

5 A. Because we know that we have to use
6 Lazard. I'm just worried that he made -- he
7 may unknowingly share the wrong file. I'm
8 telling him make sure we share the right
9 data.

10 Q. When you -- sorry, go on.

11 A. That's about it. Trying to make
12 sure or make him aware that, you know, I
13 hope -- there were hundreds of versions we
14 were having and making sure not to use.

15 Q. When you say they should not use Go
16 Global data, is the "they" referring to
17 Joseph Friedland?

18 A. Can you go down?

19 Q. Of course.

20 (Whereupon, at this time, the
21 attorney scrolled through the exhibit as
22 requested.)

23 A. I want to make sure what the
24 context is.

25 (Whereupon, at this time, there was

1 A. Dahiya

2 a pause in the proceeding.)

3 A. So there is -- okay.

4 Q. I'll repeat my question. Is the
5 "they" that you're referring to at the top of
6 this email, is that referring to, in part,
7 Joseph Friedland?

8 A. Yes.

9 Q. Is it also referring to Scott
10 Englander?

11 A. Yes.

12 Q. Is it also referring to Yisroel
13 Friedman?

14 A. Yes.

15 Q. Do you know who Yisroel Friedland
16 is?

17 A. I don't. Must be partners, all of
18 them.

19 MR. MURPHY: Don't guess.

20 Q. If you don't know --

21 A. I don't know.

22 Q. That's fine. At this point, do you
23 know whether Joseph Friedland or Scott
24 Englander had the Go Global data?

25 A. I don't believe they had Go Global

1 A. Dahiya

2 data, but if you go down in the email, looks
3 like Mark did share a partial -- if you go
4 further down.

5 Q. Do you want me to keep scrolling?

6 A. That's what it looks like.

7 Q. So I'll repeat my question. Do you
8 know at this time whether Mark or anyone at
9 Dream On Me had shared the Go Global data
10 with Joseph Friedland or Scott Englander?

11 A. I don't know. But I -- yes, I
12 don't know.

13 Q. If you knew that Mark had done
14 that, would you have told him, as you do
15 here, to scrap that data?

16 A. Yes. It means -- at this point in
17 time, could be that if you have sent
18 anything, that's not the data that we are
19 working on. It's like -- that doesn't make
20 sense.

21 Q. Would there have been another
22 reason that you would have told him to scrap
23 that data?

24 A. No.

25 Q. What about the fact that there was

1 A. Dahiya

2 an NDA in place?

3 A. Yeah, NDA, but my first reason
4 would be that that's not the data we are
5 basing it on.

6 Q. Okay.

7 A. It's very simple. You're remiss.

8 Q. At this point did it not concern
9 you that there was an NDA in place and that
10 potentially Go Global data was being shared
11 outside of Dream On Me?

12 A. Did I know that there was an NDA?

13 Q. Sorry, what did you say?

14 A. I know there was an NDA.

15 Q. So I'm saying at this point, did it
16 concern you at all that there was an NDA in
17 place and Go Global data was being shared?

18 A. In the context to this email, I
19 think it looks more like that is making sure
20 that we are not sharing the wrong
21 information.

22 Q. Now what I'm asking about is, at
23 this point, on June 23, you know there's an
24 NDA in place between Go Global and Dream On
25 Me, is that accurate?

1 A. Dahiya

2 A. Yes.

3 Q. Would it concern you to learn at
4 this point, in light of the fact that you are
5 aware of the NDA, that Go Global data and
6 information and documents are being shared
7 outside of Dream On Me?

8 A. Yes. And I would have brought that
9 up if that was the case.

10 Q. Okay.

11 A. Again, everything is happening at a
12 lightning speed.

13 Q. At this point, on June 23, what due
14 diligence had Dream On Me conducted?

15 A. June 23?

16 Q. And just to clarify, in relation to
17 the bid, a potential bid or BBY's assets.

18 A. And when was, if I may ask, was the
19 IP assets bid? If someone can answer.

20 Q. I do not recall. But my question
21 is, at this point, on June 23, what due
22 diligence had Dream On Me conducted in
23 relation to its potential bid for BBY's
24 assets?

25 A. For one thing, that we would have

1 A. Dahiya

2 gone further in our tech assessment because
3 that was a big piece that was being managed.
4 I know Mark was continuing to work on his
5 financials. Those are the two big pieces
6 that was being worked on.

7 They would have been in a better idea of
8 the process because I know -- I can't really
9 answer for Amit, but he was talking to
10 vendors indirectly, past employees, just to
11 understand the tech.

12 Q. Had that been reduced into any kind
13 of written document?

14 A. Could be. You have to ask him.
15 But I know he was making notes or whatever.

16 Q. Is the answer you don't know?

17 A. Yes, you have to ask him.

18 Q. At this point on June 23 did you
19 have concerns about the due diligence Dream
20 On Me had conducted to date?

21 A. I would say yes. This is even
22 after we acquired the assets. It was still
23 there even after we acquired the assets.

24 Q. I don't mean to put words in your
25 mouth, do you know if anyone from Lazard ever

1 A. Dahiya
2 challenged your understanding of your ability
3 to do a deal with relation to this bid?

4 A. I'm sure that -- again, I don't
5 remember the specifics, but there were
6 concerns about -- the concerns were whether
7 you have financial ability, you know. All
8 along those concerns were always there, so I
9 don't want know the context you're asking
10 but --

11 Q. Did you have a concern about Dream
12 On Me's teams and professionals to perform
13 the work to get this deal done?

14 A. With respect to the timing and
15 speed at which we were working, yes, it
16 always was a challenge.

17 Q. You weren't concerned about your
18 internal capabilities?

19 A. It's always there, but we -- from
20 whatever we had done in the past, you know,
21 we have delivered. That's there, but concern
22 was always there.

23 Q. This was a large investment, is
24 that right?

25 A. Yes.

1 A. Dahiya

2 Q. Did you feel that you had the team
3 to accomplish this deal?

4 A. Whether DOM had the team, in some
5 cases, in some places, maybe we were behind.
6 There was no way to pull this due diligence
7 to the extent that -- which is considered
8 regular because that's a timeline between
9 three to six months and this was weeks. It
10 didn't matter.

11 So one of the things that I did mention
12 before, that even if you had a hundred
13 people, this was a daunting task, so yes, we
14 were challenged.

15 (Whereupon, at this time, an
16 exhibit was displayed via Zoom.)

17 (Whereupon, at this time, a
18 document was marked as Plaintiff's
19 Exhibit 16, as of this date.)

20 Q. I'm showing you an email written by
21 you sent to Milan and Mark. It's dated
22 June 23. The subject is BBY cash flow
23 model. There's a two page -- it is a three
24 page email and the first page bears Bates
25 number DOM 11714. This is a kind lengthy

1 A. Dahiya

2 email so I will --

3 A. Could you go down. Let me read the
4 bottom.

5 Q. Yes.

6 (Whereupon, at this time, the
7 attorney scrolled through the exhibit as
8 requested.)

9 A. Go to the --

10 Q. You want to do it in reverse?

11 A. Yes.

12 Q. That's fine.

13 (Whereupon, at this time, the
14 attorney scrolled through the exhibit as
15 requested.)

16 A. If you could go down.

17 (Whereupon, at this time, the
18 attorney scrolled through the exhibit as
19 requested.)

20 A. Okay.

21 Q. Now you're responding so I'll go to
22 the top email.

23 A. Yes.

24 (Whereupon, at this time, the
25 attorney scrolled through the exhibit as

1 A. Dahiya

2 requested.)

3 Q. Do you recognize this email?

4 A. Yes.

5 Q. You wrote this email, right?

6 A. Yes.

7 Q. What is this email?

8 A. I would say first frustration,
9 ideally frustration.

10 Q. Let's go through this line by line.
11 Second sentence says, "They," being Lazard,
12 "are indirectly telling us to do our own
13 work." Yes or no; do you see that sentence?

14 A. Yes.

15 Q. Had Dream On Me not done its own
16 workup until this point; yes or no?

17 A. We had done our work, but we
18 needed -- again, this goes back to my
19 previous statement where we were struggling
20 to get more help from the teams because they
21 were reaching a point where they couldn't
22 provide us that help without the approval of
23 the business. They spent a lot of time with
24 everyone else, including us, to that point.

25 And they were like okay, now we wanted

1 A. Dahiya

2 the help to clear these models. And the data
3 point was with them.

4 If you really see how the model is made,
5 the model is pulling certain information that
6 we never had even in the data room, it was
7 not there.

8 Q. So Avish --

9 A. It was a data pull.

10 Q. Avish, with respect, I'm asking you
11 yes or no. Do you understand?

12 A. Yes.

13 Q. I would appreciate it if you would
14 answer yes or no. I will ask you if I want
15 elaboration. Do you understand?

16 A. Got it.

17 Q. At this point, was Dream On Me
18 behind in its work to prepare a bid and
19 perform due diligence in relation to a bid on
20 the BBY assets; yes or no?

21 A. Yes.

22 Q. The next sentence reads, "This also
23 shows our inability to do certain due
24 diligence internally." Do you see that
25 sentence; yes or no?

1 A. Dahiya

2 A. Yes.

3 Q. Here you are expressing your
4 concerns that you have telegraphed to Lazard
5 that Dream On Me is incapable of doing
6 certain due diligence internally, is that
7 accurate; yes or no?

8 MR. MURPHY: Objection. You can
9 answer.

10 A. Repeat the question again, Steven.

11 Q. Can you please.

12 (Whereupon, the record was read as
13 requested.)

14 A. Yes, with reference to the time
15 provided.

16 Q. The next sentence reads, "Every
17 other bidder has done more extensive work."
18 Do you see that sentence?

19 A. Yes.

20 Q. At that time every other bidder had
21 done more extensive work, is that your
22 opinion that you are expressing here,
23 correct?

24 A. Yes but --

25 Q. Excuse me; yes or no?

1 A. Dahiya

2 A. The context is wrong. This email
3 is --

4 Q. Excuse me; yes or no?

5 MR. MURPHY: He can elaborate on
6 his answer.

7 MR. BERLOWITZ: I asked him a yes
8 or no question.

9 MR. MURPHY: If you know.

10 MR. BERLOWITZ: Tom, you can clean
11 him up afterwards.

12 Q. Avish, you can answer.

13 A. I don't know. I don't know for
14 sure.

15 Q. But you wrote every other bidder
16 has done more extensive work on June 23, is
17 that right?

18 A. That's what I've written, yes.

19 Q. You also write, "We have to develop
20 this ourselves based on what has already been
21 shared." Do you see that sentence?

22 A. Yes.

23 Q. At this point you had not developed
24 the work yourselves, is that accurate; yes or
25 no?

1 A. Dahiya

2 A. It was in the works.

3 Q. But it hadn't yet been completed at
4 this time, is that right?

5 A. It never got completed.

6 Q. Never got completed?

7 A. Yeah, that's -- who has completed
8 it?

9 Q. You write in this same sentence,
10 "Based on what has been already shared," what
11 had already been shared at that point? I am
12 asking you to elaborate now.

13 A. All the information that Lazard has
14 been sharing and their teams have been
15 sharing, Alixpartners, ENG, whoever. That's
16 what it is.

17 Q. Did that include the information
18 you received from Go Global's data room?

19 A. No.

20 Q. But at this point in time you had
21 received access to Go Global's data room, is
22 that correct?

23 A. Yes.

24 Q. You had downloaded all the contents
25 that of data room, is that correct?

1 A. Dahiya

2 A. Yes.

3 Q. You next write, "Milan, can you
4 help? Can we even do this?" Do you see
5 those two sentences?

6 A. Yes.

7 Q. You are questioning whether you can
8 accomplish this deal, is that right?

9 A. Yes, in the time frame, yes.

10 Q. And you're questioning, in part,
11 because of the lack of work you have done up
12 to this point, is that right?

13 MR. MURPHY: Objection.

14 A. Again, from time being point of
15 view, yes.

16 Q. Because the time was really short,
17 is that right?

18 A. As I said --

19 Q. Is that right, part of the reason
20 is because the time is short; yes or no?

21 A. Yes.

22 Q. You hadn't done enough work yet, is
23 that right?

24 A. Yes.

25 Q. You continue, "If we cannot even

1 A. Dahiya

2 give them what they need, we look highly
3 unprofessional not knowing what we are
4 doing."

5 Did you feel that you were looking
6 highly unprofessional to Lazard; yes or no?

7 A. I don't know about highly, but we
8 could do a better job.

9 Q. You wrote highly unprofessional, is
10 that right?

11 A. Yes.

12 Q. Those are your words?

13 A. Yes. Again, there is a context to
14 this.

15 Q. You next write, "Today they
16 challenged our due diligence and
17 understanding of running this business by
18 asking us if we really know what it will take
19 to run the business, cash flow positively and
20 if our numbers were matching the ask." Do
21 you see that sentence?

22 A. Yes.

23 Q. Did Dream On Me know or have an
24 understanding of how to run this business;
25 yes or no?

1 A. Dahiya

2 A. We had --

3 Q. Yes or no?

4 A. No.

5 Q. The next paragraph begins with,
6 "Lack of proper internal teams and
7 professionals to work on this project, we are
8 all shooting in the dark with no internal
9 capabilities to help." Do you see that
10 sentence?

11 A. Yes.

12 Q. That Dream On Me had a lack of
13 proper internal teams and professionals to
14 work on that project, is that true; yes or
15 no?

16 A. Yes.

17 Q. You also write, "We are all
18 shooting in the dark with no internal
19 capabilities."

20 Is it your opinion at this time that
21 Dream On Me did not have internal
22 capabilities to help; yes or no?

23 A. Yes.

24 Q. You next write, "While we were
25 trying to do deals, there should have been a

1 A. Dahiya

2 team of ours with legal, financial and
3 technology capabilities working in the
4 background on due diligence and working with
5 their operating teams." Do you see that
6 sentence?

7 A. Yes.

8 Q. Dream On Me did not have teams
9 working with legal, financial and
10 technological capabilities in the background,
11 did they; yes or no?

12 A. No.

13 Q. I'm looking at the paragraph, we
14 have one expert, Amit, but I will go to the
15 middle of the paragraph. I don't want this
16 to get confusing, it says, "This is a large
17 investment."

18 You wrote, in part, this is a large
19 investment. Do you see that?

20 A. Yes.

21 Q. And I believe you testified that
22 you believed that this was a large
23 investment, is that accurate?

24 A. Yes.

25 Q. You next write, "We do not know

1 A. Dahiya

2 much about other areas to validate transition
3 and validation of information." Do you see
4 that sentence?

5 A. Yes.

6 Q. Is it true that Dream On Me did not
7 know much about other areas to validate
8 transition and validation of information?

9 A. Validation was always a concern.

10 Q. You next write, "We are just going
11 with BBB team data and did not do any due
12 diligence on the data in the data room." Do
13 you see that sentence?

14 A. Yes.

15 Q. Is it true that at this point Dream
16 On Me had not done any due diligence on the
17 data? I assume you were referring to the
18 Lazard data room?

19 A. Yes.

20 Q. I'm looking at the paragraph that
21 says, "Like Go Global which had a team of
22 eight working on BBB, we should have, by now,
23 made a team of experts who would have been
24 looking at all aspects of this business and
25 have a plan of execution during transition

1 A. Dahiya

2 time." Do you see that?

3 A. Yes.

4 Q. You agree that Go Global had a team
5 of experts, is that right?

6 A. Yes.

7 Q. And Dream On Me did not, is that
8 right?

9 A. Yes.

10 Q. You write, "It is so critical and
11 urgent for us to have this team in place who
12 are fully focused on this transaction." Do
13 you see that sentence?

14 A. Yes.

15 Q. You did not have a team in place
16 who was fully focused on this transaction, is
17 that true?

18 A. Not the size of the team that
19 needed to be focused, yes.

20 Q. You needed a larger team, correct?

21 A. Always.

22 Q. You next write, "Our partners need
23 information and we needed to build the terms
24 and investment models/deal sheet that we
25 could have presented including NDAs." Do you

1 A. Dahiya

2 see that sentence?

3 A. Yes.

4 Q. At this point, you had not
5 developed a model or deal sheet, is that
6 correct?

7 A. Mark was working on this so this
8 is -- he was working in the background with
9 his partners on this so that's my view.
10 Whatever I have written --

11 Q. You wrote this email, correct?

12 A. Yes.

13 Q. You remember writing this email?

14 A. Yes.

15 Q. When you wrote this email, was it
16 your opinion, based on your personal
17 knowledge, that Dream On Me had not built an
18 investment model or deal sheet?

19 A. That was my opinion.

20 Q. It didn't exist, is that right?

21 A. It was there, but in the form of my
22 expectation, it's not there. It's still in
23 the making.

24 Q. You were still developing it, is
25 that fair?

1 A. Dahiya

2 A. Yes.

3 Q. Wasn't done?

4 A. It was never done.

5 Q. It was never done. You next write,
6 "We have been sharing information across all
7 and exposing ourselves in the process." Do
8 you see that sentence?

9 A. Yes.

10 Q. You agree that Dream On Me had been
11 sharing information, is that correct?

12 A. Yes.

13 Q. You agree that Dream On Me had been
14 sharing information with non-Dream On Me
15 personnel, is that correct?

16 A. Yes.

17 Q. And you're expressing here your
18 concern about exposure, is that correct?

19 A. Correct.

20 Q. And you're concerned about exposing
21 documents that you should not have, documents
22 and information, is that correct?

23 MS. MOORE: Objection.

24 A. You have to know what you are --
25 because it's still in the making. You

1 A. Dahiya

2 can't -- you can't just share information
3 without fully completing it. That's the
4 context, yeah.

5 Q. You are concerned that Dream On Me
6 is just willy-nilly sharing information, is
7 that right?

8 MR. MURPHY: Objection.

9 A. In the making -- in the making.

10 Q. I'm going now to the portion of the
11 email chain which is from Brendan Shay. He
12 writes, "We understand that in order to
13 secure financing, you are looking to
14 incorporate transaction sources and uses and
15 weave in the impact of the capital structure
16 on cash flow, but that portion of the model
17 should be built and supported by you, the
18 buyer." Do you see that sentence?

19 A. Yes.

20 Q. At this point, had Dream On Me
21 built and supported that?

22 A. Mark was working on this.

23 Q. Mark had not finished it, is that
24 right?

25 A. Yes, because all data was changing

1 A. Dahiya

2 so we could never finish because the model
3 was changing always.

4 Q. Did Mark show you what he was
5 working on; yes or no? Yes or no?

6 A. Yes.

7 Q. He did show you?

8 A. Yes. Yeah.

9 Q. Did he show you a document?

10 A. He was working with someone which I
11 stated before and --

12 Q. Did he show you a document?

13 A. There was an Excel that he was
14 working on.

15 Q. What is the name of that Excel?

16 A. I have to check.

17 Q. Okay. Do you know, yes or no, did
18 you review that Excel?

19 A. Yes, I've seen that.

20 Q. Yes or no, would you consider that
21 Excel document deficient in complying with
22 the opinion that you are expressing
23 throughout your email on June 23?

24 MR. MURPHY: Objection.

25 Q. You can answer.

1 A. Dahiya

2 A. I don't know.

3 Q. Is your response I don't know?

4 A. Yeah. The model can always be
5 better. I'm never happy with any model.

6 (Whereupon, at this time, a
7 document was marked as Plaintiff's
8 Exhibit 17, as of this date.)

9 (Whereupon, at this time, an
10 exhibit was displayed via Zoom.)

11 Q. This is an email that you sent to
12 Milan and Mark. It is dated June 25. It
13 bears Bates number DOM 11729.

14 I will represent to you that you are
15 writing in response to the email we just
16 discussed. As you can see, I will show it to
17 you real quick, but I would like you to read
18 just this top, this top email.

19 (Whereupon, at this time, there was
20 a pause in the proceeding.)

21 Q. This is Milan writing, but you have
22 your comments below and I'm going to ask
23 you -- I can't tell which are your comments.

24 I actually want you to identify them for
25 me, but I will give you an opportunity first

1 A. Dahiya

2 to read the email and let me know when you
3 need me to scroll down for you.

4 (Whereupon, at this time, there was
5 a pause in the proceeding.)

6 A. Okay.

7 (Whereupon, at this time, the
8 attorney scrolled through the exhibit as
9 requested.)

10 A. I really don't know whose and what
11 comment is on this.

12 Q. Let's just go to the top so I can
13 make this clear for the record.

14 This is an email that Avish, you wrote,
15 is that right, at the top?

16 A. Yes.

17 Q. And you write my comments below, is
18 that right?

19 A. Yes.

20 Q. And you're commenting on an
21 email -- you're providing comments to an
22 email that Milan wrote, is that right?

23 A. Yes, seems like.

24 Q. Are you able to identify which are
25 your comments?

1 A. Dahiya

2 A. I'm not able to.

3 Q. At this point, June 25, had DOM
4 prepared a vision statement; yes or no?

5 A. No, we were using the dec that was
6 by the buybuy BABY team.

7 Q. At this point, yes or no, had DOM
8 prepared a vision statement; yes or no?

9 A. No.

10 Q. At this point, had DOM prepared a
11 turnaround strategy; yes or no?

12 A. We had our idea and --

13 Q. Yes or no?

14 MR. MURPHY: I think that can be
15 more than a yes or no question.

16 MR. BERLOWITZ: I'm asking for a
17 yes or no response.

18 Q. If you say you cannot answer or you
19 do not know, that is also fine.

20 A. Turnaround strategy, yes.

21 Q. You had developed that yes, that's
22 your testimony?

23 A. Yes, we had a fairly good idea.

24 Q. At this point had Dream On Me
25 developed a marketing strategy; yes or no?

1 A. Dahiya

2 A. No.

3 Q. No?

4 A. No.

5 Q. At this point, had Dream On Me
6 developed a technology transfer and operating
7 plan; yes or no?

8 A. Yes, they were working on it.

9 Q. At this point, had Dream On Me
10 developed a financial model?

11 A. I don't know.

12 Q. At this point had Dream On Me
13 developed a due diligence report?

14 A. No.

15 Q. Okay.

16 A. Not to the level we wanted, no. It
17 was in the works.

18 (Whereupon, at this time, a
19 document was marked as Plaintiff's
20 Exhibit 18, as of this date.)

21 (Whereupon, at this time, an
22 exhibit was displayed via Zoom.)

23 Q. I'm showing you another document.
24 This is an email from Milan Gandhi to you
25 Avish and cc'g a number of people, Ian

1 A. Dahiya

2 Winter, Jacob Sod, Mark Srour, Belhassen,
3 Gregory Price, Stephanie Sweeney and Brendan
4 Scott. It is dated June 28 and the first
5 page bears Bates number DOM 14065.

6 Do you recognize this document, Avish?

7 A. I believe it was sent -- yes.

8 Q. You recognize it, yes?

9 A. Yes.

10 Q. I want to draw your attention to
11 the point number two over here, the financial
12 model. I will read it to you.

13 It says, "Financial model. He said they
14 can make their people available as needed,
15 but they cannot be responsible for any work
16 and so he suggested we hire an outside firm
17 to prepare a comprehensive financial model
18 with business assumptions and plan." Do you
19 see that sentence?

20 A. Yes.

21 Q. At this point Dream On Me had not
22 developed a comprehensive financial model, is
23 that correct?

24 A. Yes, it was in the works.

25 Q. You had to hire an outside firm to

1 A. Dahiya

2 do it apparently, is that right?

3 A. Outside firm or help also, what do
4 you say, within buybuy BABY, Alixpartners.

5 Q. Because Dream On Me didn't have the
6 work done, right?

7 A. It was not --

8 Q. Yes or no?

9 A. No.

10 Q. No, you had the work done?

11 A. Some work done.

12 Q. You had not completed the work, is
13 that right?

14 A. Yes.

15 MR. BERLOWITZ: I think I'm almost
16 done. I want to take a quick break.

17 MR. MURPHY: Okay. So how much
18 time would you like?

19 MR. BERLOWITZ: Can I take ten
20 minutes?

21 MR. MURPHY: That's fine.

22 MR. BERLOWITZ: We'll be back in
23 ten minutes. 3:20.

24 (Whereupon, at this time, there was
25 a pause in the proceeding.)

1 A. Dahiya

2 Q. Avish, we've talked about the NDA
3 between GG and Dream On Me a lot today. Do
4 you recall that?

5 A. Yes.

6 Q. When did you tell Mark about the
7 NDA?

8 A. I don't remember, but I did send
9 out an email to him on the NDA, like it's --
10 like with an attached NDA.

11 Q. I will agree with you. I believe
12 I've seen those emails. Did you ever have a
13 conversation with Mark about the NDA?

14 A. Yes, somewhere -- I don't exactly
15 know, but there was a conversation about us
16 not able to -- like it would stop us from
17 bidding.

18 Q. When was that conversation?

19 A. After the IP, I believe. I'm not
20 really sure, but somewhere when we were going
21 for the store bidding.

22 Q. So you had this conversation with
23 Mark concerning the NDA after the auction for
24 the intellectual property, but before the
25 auction for the store leases, is that right?

1 A. Dahiya

2 A. Somewhere in that timeline. I'm
3 not really sure.

4 Q. I understand. I'm just trying to
5 get a sense of this now. What was that
6 conversation like? What did you say to him
7 and what did he say to you?

8 A. He was extremely angry.

9 Q. Mark was angry?

10 A. Yes.

11 Q. Why?

12 A. That I signed an NDA he didn't know
13 all the details about.

14 Q. Did he say anything else to you?

15 A. And that I didn't read through it
16 and he was upset. Upset at that and that if
17 there was something, then I was supposed to
18 tell him and any concern on that.

19 Q. When he learned about the NDA, did
20 you and Mark read the NDA?

21 A. No.

22 Q. No. Did you show Mark the NDA?

23 A. I don't remember.

24 Q. Do you know if Mark read the NDA
25 after you told him about it?

1 A. Dahiya

2 A. I don't know.

3 Q. Dream On Me still placed a bid for
4 store leases, correct?

5 A. Yes.

6 Q. At the time that Dream On Me placed
7 a bid for store leases, you had told Mark
8 about the NDA, is that correct?

9 A. I believe so.

10 Q. Do you know whether Dream On Me
11 obtained consent from Go Global to submit a
12 bid without Go Global?

13 A. I don't remember anything -- I'm
14 not aware of it.

15 Q. You're not aware of a consent?

16 A. That's right.

17 Q. You haven't seen anything in
18 writing --

19 A. No.

20 Q. -- that is if anyone ever told you
21 that they received permission from Go Global?

22 A. No.

23 Q. Are you involved with the buybuy
24 BABY acquisition company?

25 A. Yes, part of the transition team.

1 A. Dahiya

2 Q. Can you tell me more about what you
3 do there?

4 A. Presently helping with the
5 marketing and the digital side of the
6 business.

7 Q. Do you have a title with that
8 company?

9 A. Acting CMO. It's the same
10 marketing lead and digital lead.

11 Q. You're the chief marketing officer?

12 A. Yes. We don't have anybody yet.

13 Q. Do you know how the buybuy BABY
14 acquisition company is doing financially?

15 A. Not good. It's losing dollars --
16 losing millions of dollars.

17 Q. Do you know why it's losing
18 millions of dollars?

19 A. I think part of the problem is --
20 this is my opinion, part of the problem is we
21 acquired -- we set it up within 90 days. We
22 had to get all the merchandise, stores, go
23 live in a very short time and we didn't get
24 good merchandise in that short time because
25 vendors were not ready yet with the right

1 A. Dahiya

2 merchandise. So it looks like we made some
3 bad purchases at that point in time. We have
4 a lot of inventory not moving resulting into
5 losses.

6 Q. If you had done more due diligence
7 or more work on a financial model, do you
8 think you could have avoided some of those
9 losses?

10 A. No financial model could have done
11 this. I have to see if somebody had a
12 financial model that could predict this, no.

13 Q. What about if you had done more
14 preparation? Do you think you could have
15 minimized some of those losses?

16 A. Always efficiency can be increased.
17 There's no shortage of doing things better,
18 yes. Yes, always there.

19 Q. Do you know when the baby IP
20 auction was held?

21 A. Yes, I was there.

22 Q. When was it held?

23 A. I don't know the date, but I was
24 there.

25 Q. If I told you it was held on

1 A. Dahiya

2 June 28, does that refresh your memory?

3 A. June 28?

4 Q. June 28, 2023 to be clear.

5 A. So then that's the date. The date
6 doesn't recollect, but I know I was there.

7 Q. That doesn't refresh your
8 recollection?

9 A. No.

10 Q. No, okay. Did you need to create a
11 model before bidding for the intellectual
12 property?

13 A. No model was working.

14 Q. That's not my question. My
15 question is, did Dream On Me need to create a
16 model before?

17 A. No.

18 Q. No?

19 A. No, we didn't have to create it.

20 Q. Why not?

21 A. Because this was an IP buyout, IP
22 purchase.

23 Q. So did you have a model when you
24 bid for the intellectual property?

25 A. We had models, yes, but we didn't

1 A. Dahiya

2 had to have a model to bid.

3 Q. Did you need to create a model
4 before Dream On Me bought the store leases?

5 A. Yes, we worked on few scenarios
6 before we got the stores.

7 MR. BERLOWITZ: I have no further
8 questions.

9 MR. MURPHY: No questions from me.

10 (Whereupon, at this time, the
11 examination of this witness concluded at
12 3:30 p.m.)
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STATE OF)

$$:SS$$

5

COUNTY OF _____)

6

7

I, AVISH DAHIYA, hereby certify

8

that I have read the transcript of my

9

testimony taken under oath in my deposition

10

of October 2, 2024; that the transcript is a

11

true, complete and correct record of my

12

testimony, and that the answers on the record

13

as given by me are true and correct.

14

15

16

17

AVISH DAHIYA

18

19

Signed and subscribed to before

20

me, this _____ day
of _____, 2024

21

22

Notary Public, State of New York

23

24

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I N D E X

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4

WITNESS

EXAMINATION BY

PAGE

5

A. Dahiya

Mr. Berlowitz

7

6

7

E X H I B I T S

8

PLAINTIFF'S

DESCRIPTION

FOR ID

9

Exhibit 1

30 (b) (6)

20

10

Exhibit 2

Email - DOM 10726

42

11

Exhibit 3

Email - DOM 10737

53

12

Exhibit 4

Email - NDA GG 8791

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13

Exhibit 5

Email - GG 9434

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14

Exhibit 6

Email - DOM 2770

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15

Exhibit 7

Email - DOM 3032

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16

Exhibit 8

Email - DOM 2943

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17

Exhibit 9

Email - DOM 2969

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18

Exhibit 10

Email - DOM 2800

114

19

Exhibit 11

Email - DOM 10868

118

20

Exhibit 12

Email - DOM 3039

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21

Exhibit 13

Email - DOM 11080

135

22

Exhibit 14

Email - DOM 10877

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23

Exhibit 15

Email - DOM 11644

143

24

Exhibit 16

Email - DOM 11714

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25

1

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E X H I B I T S (Cont'd)

3

PLAINTIFF'S

DESCRIPTION

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C E R T I F I C A T E

I, JENNIE FANTASIA, a Notary
Public in and for the State of New York, do
hereby certify:

THAT the witness whose deposition
is hereinbefore set forth, was duly sworn by
me and;

THAT the within transcript is a
true record of the testimony given by such
witness.

I further certify that I am not
related either by blood or marriage; to any
of the parties to this action; and

THAT I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 14th day of
October, 2024.


Jennie Fantasia Kilgallen

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